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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 30, 2005

8:30 A.M.

(PAGES 4174 THROUGH 4236)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 4174

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
BELL, Cynthia Ann	4177-A	4209-M		
	4226-A			
(Contd.)				
KATZ, Stan J.	4229-Z			

Santa Maria, California
Wednesday, March 30, 2005
8:30 a.m.

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE WITNESS: Good morning.
THE COURT: Let's see, Mr. Mesereau, were
you examining?
MR. MESEREAU: Excuse me, Your Honor. My
cross-examination is completed. I believe that --
BAILIFF CORTEZ: Mike closer.
THE COURT: He said his cross-examination is
completed.
(Laughter.)
THE COURT: Go ahead, Counsel.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Miss Bell.
A. Good morning to you.
Q. Would you please characterize the level of
service -- is this on?
Would you please characterize the level of
service that you provided on the flights that you
handled involving Mr. Jackson?
MR. MESEREAU: Objection; vague. 4177

THE COURT: Overruled.
You may answer.
THE WITNESS: The level of service was A-1.
Q. BY MR. AUCHINCLOSS: First Class service?
A. That is correct.
Q. And how attentive are you to the guests or the individuals who are guests of the client on the plane?
A. Extremely attentive.
Q. You interact with each one of them?
A. Yes, I do.
Q. Do you have -- I think I asked you previously, but is it fair to say that you were either interacting with the guests, the client, or you were working in the galley during the entire flight?
A. Can you repeat the question? I'm sorry.
Q. My question is, during the entire flight, are you always on your feet?
A. Yes.
Q. And during that entire time that you're on your feet, is it fair to say you're always involved in some level of service?
A. That is correct.
Q. Are you in the galley at times?
A. Yes, I am.
Q. Are you in the pilots' cabin at times?
A. Only briefly. Just to serve them meals on 4178

crew trays.
Q. Okay. But otherwise, you were attentive to the needs of everybody who's on that plane?
A. That is correct.
Q. Do you personally prepare the meals?
A. Personally prepare? On certain flights, yes, we do. However, on Mr. Jackson's flights, we typically had them catered.
Q. You served hot hors d'oeuvres?
A. That's correct.
Q. Dessert?
A. If required, yes.
Q. Meals?
A. Yes, sir.
Q. How many meals on a five-hour flight from Miami to Santa Barbara?
A. Depending on what we're serving, depending on the catering requests. I mean, I like to start with cold appetizers, to roll into hot appetizers, to roll into a salad, a soup, a main course, a dessert, finish with assorted usually sorbets in between, with a drink and beverage service throughout the entire duration.
Q. And on a flight like this involving Mr. Jackson and his guests, is there one person you're most concerned about pleasing?
A. You're always concerned with your lead passenger. 4179

Q. And that would be Mr. Jackson?
A. That is correct.
Q. So if Mr. Jackson doesn't like something, do you change it?
A. Absolutely. In regards to catering?
Q. In regards to your level of service, anything that you do. If he tells you he doesn't like something, do you take care of it?
A. Yes.
Q. If he wants something, do you take care of it?
A. Yes.
Q. Have you ever met Mr. Jackson outside your role as a server on one of these flights?
A. No, sir, I have not.
Q. So would it be fair to say you've been always in a role of pleasing Mr. Jackson, pleasing -- making sure he's --
A. Yes. As a cabin attendant.
(Laughter.)
Q. All right. With that -- with that condition, would it be fair to say that you're in a position where you're always concerned about making Mr. Jackson happy?
A. As a cabin attendant, yes.
Q. Yes, we've got that, okay.
A. I'll lose my job over this.
(Laughter.) 4180

Q. You mentioned that you served an underage -- some underage girls, or an underage girl on this particular flight from Miami to Florida?
A. Yes, sir. I was unaware that she was underage. I actually did -- I did I.D. her, and I saw a positive identification which reflected that she was 21 years of age.
Q. She wasn't underage?
A. It reflected that she was of age, 21 years of age.
Q. And were there two girls or one girl?
A. There were two girls on that flight.
Q. Uh-huh.
A. And they maintained that they were best friends and that they were on their way to Neverland Ranch.
Q. Did you card both of them?
A. No, I did not.
Q. Why not?
A. Because I assumed that -- because they were maintaining they were best friends that they were both of the same age. There was a younger boy on the flight who --
Q. I'm not going to ask about the boy. I'm just concerned about the two girls right now.
A. Yes.
Q. Why didn't you card the other girl?
A. I was told that they were the same age. 4181

Q. Okay. Did she look 21, the other girl?
A. They both looked young, and that's why I I.D.'d them -- I I.D.'d the primary person who requested a cocktail.
Q. Okay. So you just assumed the other one was 21?
A. That's correct.
Q. And did you mention this to Mr. Jackson, that you were serving these young ladies alcohol?
A. No, I did not.
Q. And how did you -- what kind of glass did you serve them in?
A. In a tall crystal Waterford glass.
Q. Okay. Was it fluted?
A. No, sir, it was not.
Q. Okay.
A. It was cut crystal.
Q. You have previously mentioned in the grand jury that all flights kind of blend together for you.
A. I fly very often.
Q. Is that true?
A. The person -- the people that I fly, or the actual flights?
Q. In terms of your recollections.
A. Flights --
Q. You stated flights kind of run together so it's hard for you to remember, is that true? 4182

A. They tend to, yes.
Q. How -- do you have peculiar recollections of this particular flight over others? Is your memory better about this particular flight that we're talking about in this particular case over other flights that you've had?
A. Is my memory of the actual flight or --
Q. Yes. You've testified about a number of details about this flight --
A. I'm very clear about the flight. I'm actually very clear about the people that I fly. It's the locations, typically, that blend together. But -- because, you know, you're in New York a lot, you're in Florida a lot. I mean, you're a lot -- and it's typically the same sort of places that we go to.
Q. Okay. Now, you mentioned that you didn't recall if Mr. Jackson was sleeping, but you don't think he did.
A. I'm certain that he was not sleeping.
Q. Okay. What time did this flight leave Miami?
A. I believe it was either a three or four o'clock launch or -- yes.
Q. Okay. So it would have arrived in Santa Barbara -- taking into account five hours, it would arrive around eight or nine o'clock Florida time, true? 4183

A. They're three hours ahead of us. You want
Florida time --
Q. Yes, I said "Florida time." Five hours.
Three plus five, eight. Eight or nine?
A. I can't do the math.
Q. Okay. So was it dark when you arrived in
Santa Barbara; do you know?
A. I believe it was.
Q. And did you happen to notice whether other
people slept on that flight, dozed or napped,
anything of that nature?
A. The medical doctor that was on board did
sleep. The child, the youngest child, slept on that
flight for --
Q. Mr. Jackson's youngest child?
A. That is correct.
Q. Just your best recollection.
A. That's my best recollection. Thank you.
Q. Is it possible that other people napped
during the flight?
A. I know it was a pretty busy cabin.
Q. Did people move around the cabin?
A. Yes.
Q. A little bit, or a lot, or something in
between. You tell me.
A. I wouldn't say unusually a lot. But the
children were up and down and back and forth and the
governesses were back and forth. 4184

Q. Did many people change seats?
A. No.
Q. Did some people change seats?
A. Yes.
Q. Do you have specific recollections of who changed seats and what manner the change took place, how that took place?
A. Definitely Prince and Paris. They were back and forth in the cabin, interactive with the entire cabin.
Q. So they would get up and move from their seat?
A. Yes.
Q. And I believe you testified that at one point they were in the banquet area; is that what you --
A. In the club seating.
Q. Club seating. Yeah. Okay. In the club seating with Mr. Jackson.
You also testified that during the entire fright they were around Mr. Jackson, his children were around him?
A. That is correct.
Q. Do you have a specific recollection of that?
A. I do.
Q. All right.
If I may approach, Your Honor?
THE COURT: Yes. 4185

Q. BY MR. AUCHINCLOSS: Miss Bell, I show you
People's Exhibit 765. It appears to be a diagram of
the plane. But you tell me. Can you identify that?
A. Yes, I can.
Q. What is it?
A. That is the exact configuration of
November-8-7-tango-delta.
Q. Is that the plane that you used on the
flight we've been talking about involving Mr.
Jackson and the Arvizos?
A. Yes, sir.
MR. AUCHINCLOSS: All right. Could I have
the Elmo on, Your Honor?
THE WITNESS: Oh, wait, I'm sorry. It might
have been hotel-Charlie.
MR. AUCHINCLOSS: I'm not --
Q. I'm not concerned about the name.
MR. MESEREAU: Objection. She hasn't
completed her answer.
MR. AUCHINCLOSS: There isn't a question
pending.
Q. But go ahead.
THE COURT: Just a moment.
What does "hotel-Charlie" -- is that a plane
designation?
THE WITNESS: It's the last tracking tail
numbers of another one of our aircraft with a very
similar cabin configuration. 4186

THE COURT: All right. I will overrule the objection. Go ahead.
Q. BY MR. AUCHINCLOSS: All right. So my question, though, is -- my concern is, is this a fair representation of the floor plan of the plane that was used on the flight from Miami to Santa Barbara with Mr. Jackson that we've been talking about?
A. Yes, sir, it is.
MR. AUCHINCLOSS: If I could have "Input No. 4," Your Honor.
Q. Now, I can't get this entire diagram on this -- on this screen, so I'm going to ask you to just help me out a little bit.
Is there a pointer that we have?
Ms. Bell, this is just a laser pointer.
A. Okay.
Q. And if you hold it down, you can help us out with identifying some locations.
A. Thank you.
Q. All right. I'm not going to ask you to mark on this exhibit, but I would ask you just to point with the laser, if you would, your best recollection of where Mr. Jackson was seated, if it's on this particular portion of it.
Okay. Indicating in the club seating, the chair nearest the aisle, and in the center of the diagram, and I believe -- 4187

A. He actually sat there of most of the time.
He went to the lav, and at that time, when he came
back, he was seated here.
Q. Uh-huh.
A. And Prince and Paris both shared this seat.
Q. Now, you mentioned, during most of the
flight, in the grand jury that Gavin was next to
him.
A. Yes, was seated there.
Q. Okay. So is that a fact, that during most
of the flight that Gavin was seated next to Mr.
Jackson?
A. Yes, sir.
Q. And you said that there is a divider between
those seats that can be lifted up.
A. That is correct.
Q. Was that divider down or up during that
flight or did it -- let me maybe ask you -- rephrase
that question. Was that divider moved during that
flight?
A. The only time it was moved was when Mr.
Jackson used the lav.
Q. It went down?
A. Yes.
Q. Okay. And when he came back from the lav,
did it go back up again?
A. No, it did not. His children were seated
there and it was open. 4188

Q. Okay. What do you mean, “it was open”? It went back up or down?
A. The actual divider was -- the children were sharing the seat.
Q. Show me what we’re talking about as far as the thing that goes down. Where is that located on this diagram?
Okay. Just between the two seats?
A. That’s correct. It’s an actual armrest that divides the seats here.
Q. You have a specific recollection on this particular flight of the time that that armrest went down and up?
A. Do I have a specific -- yes, because he had to -- I had to lower it. And I remember it quite clearly because there was a hinge problem with that particular seat.
Q. Uh-huh.
A. And we had to lower it for Mr. Jackson to -- we had to -- well, there’s also a divider here with cupholders.
Q. Yes.
A. So both of those had to be lowered for him to get in and out. And also, like I said, the children wanted to sit next to him at that time.
Q. Uh-huh.
A. So instead of having the hindrance of the divider, we went ahead and lowered it. 4189

Q. Oh, I see. Okay. All right. So going back to the time when he was -- you said there was a portion of the time that Prince and Paris were seated next to him.
A. That is correct.
Q. Then did they move again?
A. Prince was with his father most of -- a lot of the flight. Paris moved to help me bake cookies.
Q. All right. My question is in terms of not whether they were with him, but whether they were seated in that seat. Did they move from that seat? After they sat in it, how much time did they spend in that seat? That's my question.
A. I'm not sure. I'm sorry.
Q. Okay. But is it still fair to say that Gavin Arvizo spent most of the flight in that seat seated next to Mr. Jackson?
A. That is correct.
Q. All right. Do you recall where Dr. Farshshian, or the doctor, I should say, was seated?
A. Yes.
Q. Where was that?
A. You'll need to move the diagram down in order to display his seating.
Q. I'm moving the diagram --
A. Thank you.
Q. I'm moving it towards the pilots' cabin; is 4190

that correct?
A. That is correct.
Q. All right. We're now looking at the front of the airplane, and you're indicating in the seat that's closest to the -- I guess that would be the doorway into the aircraft; is that correct?
A. That is correct.
Q. And that's in the upper right-hand portion of the diagram.
All right. Did he move at all during the flight?
A. Yes. He came back and chatted with me in the galley. But always -- typically always -- oh, no, actually, the only other time that he didn't return to his seat after the galley was, of course, to use the lav, but also he was chatting with everyone at the club seating on the credenza.
Q. Okay.
A. He sat himself there for a period of time.
Q. All right. So you at times were back in the galley chatting with Dr. Farshshian, or the doctor?
A. Yes.
Q. And you said at times you were back there baking cookies with the kids?
A. That's correct.
Q. And is it fair to say at times you were in this area that's identified by four seats attending to the needs of those passengers? 4191

A. Yes, sir.
Q. And there was a passenger in each of those seats?
A. Yes, sir.
Q. A passenger in every seat on this aircraft?
A. There may have been an open seat, but it's -- when you have that many people, it's a full house. I mean, it's --
Q. So possibly a seat open, but --
A. We don't, like, count our seats. I mean, as for emergency evacuations, we know where people are located amongst -- you know, in the aircraft. However, we don't actually -- it's not like airline style where you count the seats and the passengers.
Q. Okay.
A. So, I mean --
Q. No, that's fine. You've answered the question.
And at times you're dealing with -- Diagram 765. You're dealing with people in the club seating area?
A. That is correct.
Q. Sometimes you're turned in the opposite direction, you're dealing with people who are in the couch that's marked in blue on the lower left-hand corner?
A. On the divan.
Q. The divan. Is that true? 4192

A. Yes.
Q. And at times you are turned, again, towards the rear of the aircraft where you're attending to the needs of the persons seated directly in the aft of the club seating, true?
A. That is correct. Well, actually you're not really turned, because you're usually --
Q. Okay. To the side?
A. Right.
Q. Okay. And moving the diagram towards what appears to be the aft of the airplane, that shows the galley area; is that fair to say?
A. That is correct.
Q. Would you show us on the --
A. This open area here, with a --
Q. Where it looks to be marbleized?
A. That is correct. That is our galley.
Q. So you've indicated on the diagram that the galley comprises both the port and starboard sides of the aircraft?
A. That is correct.
Q. So sometimes you're facing to the left of the aircraft, and sometimes you're facing to the right?
A. That is correct.
Q. What's that little L-shaped section in the lower portion of the diagram, if you would?
A. This here? 4193

Q. No, above that. Yes, that little
rectangular square.
A. That's our sink.
Q. So sometimes you're over the sink dealing
with whatever you need to clean, or get water, that
type of thing?
A. That's correct. We don't do dishes on
board, so we don't really use that sink a whole lot.
Q. All right. So would it be fair to say at
any given moment your attention and focus would be
on any given one of those areas we've just
identified?
A. Yes.
Q. In terms of all the seating, the kitchen,
the galley?
A. That is correct. It's an open galley, and
for specific reasons, that you can monitor your
cabin while you're preparing.
Q. See who wants something?
A. Absolutely.
Q. Someone can get your attention if they need
to?
A. That is correct.
Q. And you pay whatever visits you need to the
lav area?
A. The lav is actually pretty busy. We keep
catering -- a lot of catering in the baggage hold or
in the lav. That right there is a closet. And then 4194

1 our other catering storage area is here.
2 Q. Okay. But, basically, my question was, that
3 lav is for your use as well as everybody else's
4 during the flight?
5 A. For everyone on the aircraft.
6 Q. And do you have any reason to go back in the
7 baggage area?
8 A. Yes, I do.
9 Q. What do you do back there?
10 A. Depending on whether or not I've stored -- I
11 usually store my ice cream and my sorbets in the
12 baggage hold.
13 Q. So sometimes you're back in that area that
14 appears to have suitcases in it in the very aft of
15 the diagram?
16 A. That is correct.
17 Q. And what's the area -- it looks like it
18 might be a coat rack in the upper right-hand corner.
19 Upper left-hand, excuse me. Do you see that?
20 A. In the lav or --
21 Q. Do you see what's across from the lav?
22 A. Yes, that's a storage area --
23 Q. Okay.
24 A. -- for coats. And I sometimes put catering
25 there, and extra hand towels and that sort of thing.
26 Q. So sometimes your attention is to get
27 something out of that area?
28 A. Yes. 4195

Q. You use that area during the flight?
A. Yes, we do.
Q. All right. Now, Mr. Mesereau asked you about whether or not Mr. Jackson would sometimes have vodka in a Coke can. Do you recall that portion of your testimony?
A. Yes, I do. I do.
Q. So you would serve Mr. Jackson mixed alcohol drinks in a Diet Coke can?
A. Every beverage that was consumed by Mr. Jackson was in a Diet Coke can, that is correct.
Q. And I think you testified that that was your idea originally?
A. That is correct.
Q. Before you came up with this idea, was Mr. Jackson secretive about his drinking?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
MR. MESEREAU: Assumes facts not in evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: I -- I don't know. The only time I flew him was with Pacific Jet and --
Q. BY MR. AUCHINCLOSS: That's what I'm talking about. When you flew with him on Pacific Jet.
A. Oh.
Q. Was he open about his drinking on Pacific 4196

Jet?
A. No, sir, he was not.
Q. What makes you say that?
A. Because I served him out of a -- I'm sorry, a -- a blue -- it was almost like a -- not a Tupperware thing. I can't describe it. I mean, it was sort of like -- I mean, it was a cup, but it wasn't transparent. It was sort of a Tupperware --
Q. Plastic cup?
A. Right.
Q. Anything else unusual about that cup?
A. No.
Q. Did that cup -- was that something that was provided with the aircraft or something he brought?
A. Actually, that cup I believe was on the aircraft.
Q. And why did you use that cup -- well, let me back up.
Did -- on that particular aircraft, or on that particular charter jet company, did you also use crystal to serve your clients alcoholic beverages?
A. Yes, sir.
Q. Can you tell me why you did not use crystal to serve Mr. Jackson on those flights?
A. I don't remember why, I'm sorry. I don't remember why I did that that time.
Q. But there was something about your serving 4197

him those items that made you believe he wanted it served in the plastic cup rather than crystal?
A. Can I take a moment to think about this?
Q. Sure.
A. I really -- I mean, I don't remember why. Because I know I served children usually in plastic. I mean, you know, small children. Or they're like sippy cups, but I don't remember why.
Q. Was this like a sippy cup?
A. No.
Q. Did Mr. Jackson ever object to being served in a plastic cup?
A. No.
Q. Did he ever object to being served in a Diet Coke can?
A. No.
Q. Did you believe that that's how he wanted his beverage -- his alcoholic beverages served, in Diet Coke cans, and in this plastic cup when you did so?
A. I assumed that's how he wanted to be served.
Q. And did Xtra Jet adopt a policy of having Diet Coke cans of wine available for Mr. Jackson on any flight Mr. Jackson flew on?
A. Yes, sir.
Q. So even when you weren't flying, he was always served with a Diet Coke can, as far as you know? 4198

A. Yes. I would give that information to our flight attendants.
Q. So you shared that with other flight attendants at Xtra Jet?
A. That is correct.
Q. Was this information ever -- did this information about serving wine in Diet Coke cans ever appear in writing on any Xtra Jet manifest, or order, or anything like that?
A. No, sir. We signed confidentiality agreements, and that would be something that would fall under a confidentiality agreement.
Q. Okay. Speaking of that, the reason you gave for doing this was because you believe that Mr. Jackson wanted to keep his drinking a secret from his children?
A. Private from his children, yes.
Q. He didn't want his children to know he was drinking?
A. Yes.
Q. What makes you say that?
A. Because he's a private person, and -- I have a lot of clients that don't drink in front -- don't present to drink in front of their children.
Q. My question is, what makes you think that Mr. Jackson didn't want his children to know he was drinking, specifically Mr. Jackson?
A. I don't know why he -- I don't know why. 4199

Q. Okay. But you believe that was the reason?
A. Yes.
Q. Did he ever talk to you about it?
A. No.
Q. Was it ever talked about on the flight, that he was having -- that he had alcoholic beverages in his Coke can?
A. Was it ever talked to --
Q. Talked about openly on the flight, by anybody, that he's drinking?
A. No.
Q. That he's drinking from a Coke can?
A. No, sir.
Q. So on this particular flight that involved the Arvizo children, was it ever mentioned that he was drinking wine from a Coke can?
A. No, sir.
Q. Now, I believe you previously stated that he drank wine on this flight, about a bottle, and you opened up another bottle, that's correct?
A. There were three bottles of wine opened. Two white and one red.
Q. And do you know how much of the second white bottle -- white wine bottle was consumed?
A. I do not. I know that it was opened, though.
Q. As far as vodka drinks, did you serve Mr. Jackson vodka drinks on that flight? 4200

A. Mr. -- no, I did not serve Mr. Jackson vodka drinks on that particular flight.
Q. In the grand jury, did you testify -- when I asked you the question, "Do you recall if you served him any mixed drinks on that flight," and you testified, "I did" --
A. Rum and Coke.
Q. -- do you recall saying that?
A. Yes.
Q. And then I asked you what type of mixed drinks, and you said, "I served him vodka and Diet Coke." Did you say that?
A. I'm sorry, I believe it was rum and Diet Coke.
Q. Okay. So you were just mistaken about the type of drink that he had?
A. That's correct.
Q. Okay. So -- but you did serve him mixed drinks on that flight?
A. I served one mixed drink, which was not consumed. And I remember it being rum and Coke, because that is what the girls were drinking.
Q. All right. So would anyone on that flight have any way of knowing that there was wine in that Coke can, or rum and Coke in that Coke can, unless they took a sip of it?
MR. MESEREAU: Objection. Calls for speculation; leading. 4201

THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did he ever explain to you why he was hiding his -- the fact that he is a drinker from his children?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: On the flight home from Florida --
A. Uh-huh.
Q. -- did Mr. Jackson become intoxicated? Do you understand the question?
A. I don't -- "intoxicated" as in like how --
Q. Did he show signs that he was inebriated or signs that -- signs of showing that he was somebody who had been drinking? Show any physical signs of it?
A. Yes.
Q. In what way?
A. Well, he's a very nervous flyer, and he was just a lot more relaxed. By no means was he drunk. I was more worried about the two girls. I actually stopped pouring them alcohol.
Q. Okay. But didn't you testify in the grand jury that he was intoxicated?
A. Yes.
Q. All right. And on this flight home, you noticed that this young boy, Gavin we've called him, 4202

you know who I'm talking about?
A. Yes, sir.
Q. You said that he was acting weird.
A. Yes, sir.
Q. What -- tell me a little bit about that.
When was the first time you noticed that he did
something that seemed weird to you?
A. Well, he was just incredibly rude. And I
find that behavior unintelligent, and strange.
Q. Okay. My question was, when did you first
start noticing that he's not being --
A. From the very beginning, the originating
point of the flight.
Q. As the flight went on, was -- did he
become -- well, tell me exactly what happened. What
was it that made you say that?
A. Upon arrive -- upon seating himself or
situating himself in the cabin, he acted like I was
his maid, basically, throwing a book bag at me, and,
"I want this here," and then, "I want this there."
And just very demanding. Just unusually demanding,
unusually rude.
Q. Did his behavior get better as the flight
went on?
A. The only time his behavior was acceptable
was when he was listening to music.
Q. Okay.
A. He had a headset with some music that he was 4203

1 listening to.
2 Q. My question is, did his behavior get better,
3 worse, the same? You tell me.
4 A. It stayed pretty much the same throughout
5 the flight.
6 Q. And you said that he was -- now, you -- did
7 you know this young man from any -- in any sense
8 from outside the realm of flying this jet?
9 A. No, sir, I don't watch T.V. typically, and
10 I --
11 Q. So did you have any means of gauging whether
12 this boy acted this way normally?
13 A. No. I would have no -- no way to gauge his
14 behavior outside of on the aircraft.
15 Q. You said something about a food fight?
16 A. Yes, sir.
17 Q. The boy was engaged in a food fight?
18 A. That is correct.
19 Q. And who was he engaged in that food fight
20 with?
21 A. Primarily with the medical doctor.
22 (Laughter.)
23 Q. And the doctor was fighting back?
24 A. Well, the medical doctor was sleeping at
25 first, when he flung mashed potatoes at him.
26 (Laughter.)
27 Q. And then what happened?
28 A. Then -- 4204

Q. It went back and fork?
A. Right. It was like crowd mentality.
Everyone sort of joined in.
Q. More than just the doctor?
A. The girls. And it became a game, basically,
on board.
Q. So it was playful?
A. The -- the initial flinging of the mashed
potatoes, in my opinion, was not playful. Flinging
mashed potatoes at a sleeping man?
Q. Did you have -- you mentioned that he was
bragging about a watch. Tell me about that.
A. He came into my -- into my galley area
requesting an orange soda, Sunkist orange soda. And
he had two watches on his wrist, and was saying
things like, “Look at what Michael bought me.” You
know, “These are very expensive watches.” And,
“He’s my best friend.” And just --
Q. You didn’t like that?
A. Well, I -- I fly Fortune 500 people. I
could care less what your watch costs.
Q. You weren’t impressed by his watch?
A. He just goes on.
Q. Okay. Did he mention anything about where
he got that watch from?
A. Well, he did say, “Michael bought this watch
for me.” And, “He’ll buy me anything.” He was
just -- just an odd bird. 4205

Q. Did you have any reason to believe that that is the way he normally acted or if something was causing him to act that way?
A. I have no idea. The only --
Q. You have no idea whether he normally acts that way?
A. I have no idea.
Q. When he was acting up, was Mr. Jackson seated next to him?
A. He was in my -- he was in my galley.
Q. No, in general. You said he was -- you know, in general, during this flight, you said he was acting weird. Did this behavior happen in Mr. Jackson's presence?
A. Some of the time.
Q. Did Mr. Jackson do anything to stop it?
A. No.
Q. Miss Bell, was he acting at all like he could have been intoxicated?
MR. MESEREAU: Objection. Leading; asked and answered.
MR. AUCHINCLOSS: I haven't asked that question.
THE COURT: Overruled.
You may answer.
THE WITNESS: Thank you.
No.
Q. BY MR. AUCHINCLOSS: In the grand jury, 4206

didn't you say it was possible he was intoxicated?
A. Anything's possible. It could be possible.
Q. Did you say that?
A. I wouldn't know how to gauge it, because he acted the same throughout the entire trip.
Q. So it could be that he was reacting because he'd been drinking?
MR. MESEREAU: Objection. Leading; and asked and answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: All right. When Mr. Jackson was seated next to Gavin, was he physically touching him?
A. Did they have physical contact?
Q. Was he physically touching him in any way?
A. Yes, at times.
Q. Did Mr. Jackson, at times, cuddle with Gavin?
A. I wouldn't say "cuddle." They -- he had his arm around him listening to music at times.
Q. So how do you define cuddling?
A. "Cuddling"? I guess I'd have to show you.
(Laughter.)
MR. AUCHINCLOSS: May I approach the witness, Your Honor?
(Laughter.)
Q. Okay. So it didn't fit your definition of "cuddle," but he did have his arm around him? 4207

A. At times, yes, sir.
Q. Did it seem odd to you that Mr. Jackson didn't do anything to stop this young boy from being what you said was rude?
MR. MESEREAU: Objection. Calls for speculation; no foundation.
THE COURT: Overruled.
You may answer. Do you want the question read back?
THE WITNESS: Yeah, please.
THE COURT: All right.
THE WITNESS: It's just distracting when you guys like --
THE COURT: I know it is. That's why I'm asking you if you want the question read back.
THE WITNESS: Thank you.
(Record read.)
THE WITNESS: Yes. I -- because his children are so polite, I wasn't used to that.
Q. BY MR. AUCHINCLOSS: Does he intervene when his children --
A. Absolutely. They're very well disciplined and polite.
MR. AUCHINCLOSS: All right. Thank you. I have no further questions.
THE WITNESS: Thank you.
THE COURT: Mr. Mesereau?
// 4208

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning.
A. I'm sorry.
(Laughter.)
A. Okay. What next?
Q. Okay. Gavin's mother was on the plane, was she not?
A. Yes, she was.
Q. Did you ever see Gavin's mother try to stop his rude behavior?
A. No.
Q. Did you find that odd?
A. I found that very odd.
Q. And you did say that his rude behavior began from the moment he got on that plane, correct?
A. That is correct.
Q. And from the moment Gavin got on that plane, you never saw his mother ever try to stop his rude behavior, correct?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How soon after Gavin got on that plane did the rude behavior start?
A. Immediately.
Q. And when you say "immediately," where was Gavin when the rude behavior began? 4209

A. When he came up the stairs to enter the aircraft.
Q. And what was the first rude thing he did?
A. He threw his book bag at me and started ordering me around the cabin as to where he wanted placement of his items.
Q. And how did you respond to that?
A. Polite and efficiently.
Q. Was his mother near him when he began the rude behavior?
A. Yes.
Q. And if you recall, where was his mother when Gavin began this rude behavior?
A. She entered the aircraft behind him.
Q. Was it obvious to you that she could see his rude behavior?
A. Absolutely.
Q. What's the next rude thing you recall him doing on the plane?
A. He was just very demanding throughout the entire flight, with wanting to get his needs met, whether it was, you know, more ice in his orange soda, to no cole slaw on his plate with his chicken, more mashed potatoes. It seemed like nothing -- his chicken wasn't warm. He -- you know, "I want a side of cole slaw. I don't want it on the same plate." Just unusual things, like just very -- like, you can tell that, like, he was a newcomer to these 4210

sort of flights.
Either you have people who are really polite
or lovely, or you have people who are really
demanding, and they feel like they need to be that
way to make them feel important. I'm not sure why.
But he was very demanding throughout the
entire flight.
Q. Do you recall where his mother was seated
during the flight?
A. Yes, sir.
Q. Could you please tell the jury where she was
seated?
A. She was -- if you pull down the diagram, I
can show you exactly where she was seated.
A. (Indicating.)
Q. So roughly how far away was Gavin during the
flight when you saw him behaving in a rude manner?
A. He was seated here.
Q. Okay.
A. And he also was seated, at times, on the
divan.
Q. And the divan is where?
A. Here.
Q. Okay. Did he behave rudely when he sat on
the divan?
A. He was engaging in conversation with the two
girls. They had just gotten back from a shopping
trip in, I believe it was New York, they were 4211

saying. New York.
Q. And these are the girls that were drinking?
A. That is correct.
Q. So Gavin spent time with the two girls that were drinking?
A. Briefly, yes.
Q. Did you have your eye on Gavin all the time while he was with the two girls that were drinking?
A. It was hard not to. He was so demanding.
Q. Did he demand things of you while he was sitting with the girls that were drinking on the divan?
A. No, he was engaged in a conversation about their shopping trip. And they were talking about going horseback riding at Neverland Ranch when they landed from the flight. They had had plans to go horseback riding or something.
Q. And you saw Gavin talking to them about that?
A. Yes, sir.
Q. And you saw Gavin talk to them while they were drinking alcohol, right?
A. That is correct.
Q. Have you told the jury every rude thing you can remember he did?
A. Well, there were so many. Let's see. Basically he was just -- I mean, very demanding when it came to customer service. 4212

There was also an incident in the lav where we had ran out of passenger napkins, and he made comments about that.
Also, when I did my towel service - which you do continually throughout the flight - apparently his hot -- well, we do cold towels, because it was hot in Florida. And then when I served the hot towels, he was -- I mean, he wasn't rude, but, "Why isn't this cold? Shouldn't it be cold?" It's like, "No, it's meant to be hot, because you're getting ready for your second course." So, I mean, just things of that nature.
Q. And how long was this flight?
A. About five hours.
Q. Was he the only rude passenger on the flight?
A. Yes, sir.
Q. So what he did stands out in your mind very vividly, correct?
A. It stood out very vividly.
Q. Okay. And did you ever have your eye on his mother during the flight?
A. Yes, I did.
Q. And what do you recall her doing?
MR. AUCHINCLOSS: Objection. Beyond the scope; relevance.
MR. MESEREAU: I don't think it's beyond the scope, Your Honor, at all, given his questions. He 4213

actually put this diagram up there.
THE COURT: Overruled. But the question is rather vague. "What do you recall her doing" is --
MR. MESEREAU: Okay. Okay.
Q. Do you recall seeing the mother seated in the seat that you've identified for the jury?
A. Yes, sir.
Q. And do you recall ever seeing the mother get out of her seat?
A. She got out of her seat to use the lav, yes.
Q. And do you recall speaking to the mother?
A. Yes. She was actually very interactive with the other governesses.
Q. So she was talking to the other governesses?
A. Yes, sir.
Q. And I think you've described three of them, correct?
A. Yes.
Q. And did they seem like they were talking to her?
A. Yes, it was a very friendly conversation that they were having.
Q. And please tell the jury, if you can, where the governesses were seated.
A. One of the governesses was seated -- oh, can you -- thank you.
I had Governess No. 1 here. Governess No. 2 here. The medical doctor. The mom. The head 4214

governess was seated most of the time on the divan.
Q. Okay. Now, from what you recall, were the governesses in a position to observe Mr. Jackson?
A. Yes, sir.
Q. Were they in a position to observe Gavin?
A. Yes, sir.
Q. And were they in a position to observe Mr. Jackson's children?
A. Yes, sir.
Q. And you said you saw Mr. Jackson's children walking around at times, correct?
A. That is correct.
Q. Where did you see them walking around?
A. Back and forth throughout the aisles. And typically back in this area. They were playing back in this area here, where the credenza is and the divan. Yeah, mostly in that area.
Q. And Mr. Jackson's children were well behaved, as far as you're concerned?
A. Lovely.
Q. Had you flown with them before?
A. Yes. The third child wasn't there yet. But, yes, Paris and Prince, I'd flown with them once before.
Q. And did you see Paris and Prince spend time with Mr. Jackson on this flight?
A. Very much so.
Q. What did you see -- excuse me, let me 4215

rephrase the question. Describe what you saw in that regard.
A. They always had a lot of interaction together. Mr. Jackson -- I mean, he's -- he plays with his children, he really does. He's very interactive with his children. And so throughout the entire flight they were playing games and spending time with each other.
Q. Did Mr. Jackson seem to be keeping an eye on his children during the flight?
A. Absolutely.
Q. Okay. Did you have a chance to observe what the governesses were doing on the flight?
A. They were governing the children.
Q. Okay. Did you often see them looking in Mr. Jackson's direction?
A. Yes. It's a small aircraft. I mean, it's not a small aircraft, but it's small. It's not -- it would be like if -- if this entire row of jurors were on my aircraft. It's that small. I mean, you see everything that's going on. Except for the pilots. They're piloting the aircraft. I don't know what they're doing.
Q. So it's very small and very compact, correct?
A. That is correct.
Q. Would it be accurate to say that, based on what you know about that aircraft and what you 4216

observed, that people were always looking at Mr. Jackson during the flight?
A. Yes.
Q. Now, the prosecutor for the government asked you about the level of service. You said it was Level I, correct?
A. That is correct.
Q. And would you please define for the jury what Level I service is?
A. Level I service entails a lot of things. Paying attention to details. Making sure that the catering is correct. Making sure that the aircraft is clean, and all the particular movies, and all of the specific requests are met.
As for food service -- you know, making sure that everyone is comfortable and fed, and properly looked after.
Q. Is a lot of this work done in advance of the flight?
A. Yes, sir.
Q. You said you were extremely attentive to Mr. Jackson during the flight, right?
A. Yes, sir.
Q. And what did you mean by that?
A. Well, I made certain that, you know, all of his catering requests were together; made certain that, you know, the cabin was at the proper temperature; that, you know, his -- just that he was 4217

looked after properly.
Q. Were the -- were you the only person on the flight responsible for Mr. Jackson's service?
A. That is correct.
Q. Okay. You were always on your feet you said?
A. Yes, sir.
Q. And you said something that you don't prepare meals on that particular flight?
A. Mr. Jackson tended to prefer KFC with all the fixings, so we would go get Kentucky Fried Chicken prior. Although the children, I was instructed by the head governess to have chicken breasts, grilled chicken breasts for them, fruit, a little different fare for the children.
Q. Okay. Now, the prosecutor for the government tried to get you to say that possibly he could have been intoxicated, correct?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You never saw Mr. Jackson drunk on that flight, right?
A. No, sir.
Q. When you discussed the possibility of being intoxicated, what you were saying was that he calmed down and didn't seem as hyper and nervous as he normally would, correct?
A. That is correct. 4218

Q. To your knowledge, did anyone consume alcohol on the flight other than Mr. Jackson and these women?
A. The medical doctor.
Q. Okay.
A. I served the mom a glass of wine. I don't think she had drank it, though. None of the governesses drank. And of course not the pilots. Yeah, just the two girls -- the two girls, the medical doctor, the mom, and Mr. Jackson.
Q. And do you know what kind of wine you served the mom?
A. Yeah. It was a --
MR. AUCHINCLOSS: I'll object; relevancy.
THE COURT: Overruled.
THE WITNESS: It was a Chardonnay, Kendall Jackson, white wine.
Q. BY MR. MESEREAU: Did you ever see Gavin with his mother?
A. Together?
Q. Yes.
A. They came on the aircraft together, yeah.
Q. Did you ever see the mom interacting with Gavin? Excuse me, something in my voice. Pardon me. Did you ever see the mom interacting with Gavin on the flight?
A. Briefly.
Q. And where -- approximately when was that, if

you know?
A. When she went to the lav. She stood midway, I remember it clearly, because she was blocking my aisle. She -- oops. Uh-oh. She came out of the lav and was standing here talking to her son.
Q. Did you find it odd that she had very little interaction with her son on the flight?
A. I did.
Q. Did you say anything about that to anyone?
A. I did.
Q. Who did you discuss that with?
A. Lauren Wallace.
Q. And where was Lauren Wallace when you discussed that with her?
A. We had a telephone conversation several days after the flight, so that I could brief her as to confidential matters, such as making certain that Mr. Jackson, on his next flight, had wine poured into a Diet Coke can, and just giving her more of a profile briefing on the specific passengers on board so that she could accommodate them on their passenger profile.
Q. Did you assist the mom at all during the flight?
A. Assist her -- yeah, I served her food and beverage.
Q. Anything else you did for her, that you can 4220

recall?
A. No, sir.
Q. Okay. Now, you said something along the lines that you didn't use the sink very much. Do you remember that?
A. Yes, sir.
Q. And what did you mean by that?
A. We don't wash dishes on Gulfstream aircraft, because it has a tendency of clogging the drain, and you have a problem with the flight that way. We typically use it to wash our hands, and to store -- I actually use my sink, at times, to store -- if it's going to be a lot of champagne and white wine, to chill my champagnes and my wines.
Q. Now, the prosecutor for the government had you identify various instances where you might have been doing something other than look at Mr. Jackson, correct?
A. Yes, sir.
Q. But how would you -- putting all this together, how would you characterize the level of attention you gave Mr. Jackson on that flight?
A. The level of attention?
Q. Yes.
A. I think it was -- I think it was -- I mean, I think the flight went well. I gave everyone a lot of attention, but he is my lead passenger. I really was concerned about his needs at all times. 4221

Q. He's the one that you were most concerned about during the flight, correct?
A. Absolutely.
Q. And would it be accurate to say that no matter what you were doing, you were always looking at Mr. Jackson to see if he needed something?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Argumentative; sustained.
Q. BY MR. MESEREAU: Were you periodically looking Mr. Jackson's direction throughout that flight?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: Would you do that no matter what activity you were involved in?
A. Yes. It's -- like I said, the aircraft is small.
Like I can see the jurors. Like I can see No. 4 writing. I mean, even if I'm not looking at them, I can still see what they're doing.
So it's pretty intimate, the cabin.
Q. Did you ever complain about Gavin's behavior to Lauren Wallace?
MR. AUCHINCLOSS: Objection. Assumes facts; 4222

hearsay.
THE COURT: Sustained as to hearsay.
MR. MESEREAU: If I could just take one
second, Your Honor.
Q. When did you last talk to any prosecutor
about what you were going to say in court?
A. Um --
Q. Did you talk to any prosecutor last night?
A. Prosecutor last night, no.
Q. Yes. Did anyone for the government call you
last night?
A. No.
Q. No one discussed your testimony last night?
A. No, sir.
Q. Okay. And before you testified yesterday,
did you ever have any meetings with anyone for the
government?
A. Yes.
Q. Okay. When were they, if you remember?
A. Do you mean phone meetings or personal
meetings?
Q. Let's start with personal meetings.
A. Personal meeting.
Q. Yes.
A. I met with an individual yesterday, just
briefly, to review my grand jury testimony.
Q. Was that in the morning?
A. Yes, sir. 4223

Q. And where was that?
A. It was here in -- well, not in this building, but in a separate building.
Q. Do you know who you met with?
A. Yes. The individual that is seated behind the District Attorney.
Q. Was that Mr. Robel?
A. That is correct.
Q. Okay. So he brought you a transcript of your grand jury testimony?
A. We -- he didn't bring me a copy, we just reviewed some of the items.
Q. So he sat down with you and discussed what you had said before the grand jury, correct?
A. Yes, sir.
Q. When was -- excuse me. Did you have any meetings with any representative of the government before yesterday?
A. I had some brief phone conversations with Mr. -- Gordon.
Q. Prosecutor Auchincloss?
A. Yeah. I can't say his last name.
Q. And when did they take place?
A. Just some brief phone conversations. Most of that was about my travel arrangements and that sort of thing.
Q. Did Prosecutor Auchincloss ever show you this particular diagram before today? 4224

A. I believe when I was at the grand jury trial, there was a diagram similar.
Q. Okay.
A. I'm not certain if it was the same.
Q. Did Prosecutor Auchincloss show that to you at that time?
A. Yes, sir.
Q. Okay. Are there any other personal meetings you had with anyone for the government that you haven't described?
A. I think Sergeant Victor Alvarez.
Q. Okay. And was that a personal meeting with him?
A. Yes, sir.
Q. And approximately when was that, if you know?
A. That was prior to the grand jury meeting.
Q. Okay. How about phone conversations, have you identified all the ones that you can remember?
A. Let me see. Victor Alvarez, Gordon. Shaundra, I think her name is. She's the witness coordinator. I've spoken with her several times.
Q. Did Prosecutor Auchincloss ever discuss with you what questions he was going to ask you in this trial?
A. He made mention that -- some of the issues that may come up. I mean, he wasn't specific as to like, saying, "I'm going to ask you this specific 4225

question."
Q. Right. He just told you things that might be asked?
A. Yes.
Q. Okay. Of a topical nature --
A. Yes.
Q. -- does that sound right?
And -- okay. And did you discuss with him what your responses would likely be if those topics would come up?
A. No, I just said that I was going to tell the truth to the best of my recollection.
Q. All right. Okay. Thank you very much.
A. Thank you.
MR. AUCHINCLOSS: Just a couple of questions.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Miss Bell, you mentioned the two girls were talking about a trip to New York that they had taken?
A. That is correct.
Q. How is your recollection about that conversation?
A. It was pretty good.
Q. Are you certain that they had both gone to New York together, these two girls? 4226

A. That is what they had maintained in their conversation.
Q. And they talked about what shopping they did?
A. That is correct.
Q. Were they specific about the things that they shopped for?
A. No, sir, they were not.
Q. Do you remember anything else about that conversation?
A. They were just saying that -- you know, that they were best friends, you know, that sort of conversation. They were quite pleasant, actually, the two girls.
Q. Did they act like they'd known each other for a long time?
A. Absolutely. And they maintained that they knew each other for quite some time, and that they were best friends, and they were looking forward to going horseback riding.
They seemed -- I mean, really -- I mean, I was excited for them. I was excited to hear about their shopping. And they were -- they were quite nice, actually.
Q. Okay. You mentioned that there were movies on this flight; is that correct?
A. We have the capability to show films, yes.
Q. Were movies shown? 4227

A. No, sir.
Q. And in response to Mr. Mesereau's questioning, you said that the -- that Mr. Jackson was not intoxicated on this flight; is that your testimony?
A. No, I said that he wasn't drunk. He was intoxicated.
Q. Okay.
A. Thank you.
Q. All right. Thank you.
A. Thank you.
MR. AUCHINCLOSS: I have no further questions.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: You may step down. Thank you.
THE WITNESS: Thank you.
So I get to go, right?
THE COURT: Yes.
THE WITNESS: Thank you.
MR. ZONEN: We'll call Stan Katz to the stand.
THE COURT: Come forward, please. When you get to the witness stand, remain standing. Face the clerk and raise your right hand.

STAN J. KATZ
Having been sworn, testified as follows: 4228

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Thank you.
Stan, S-t-a-n; J, period; Katz, K-a-t-z.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Sir, what is your current occupation?
A. I'm a licensed psychologist.
Q. And what is a psychologist?
A. A psychologist is licensed by the State of California to perform assessment, treatment, psychotherapy of individuals, groups, families, to do clinical diagnostic treatment, and to treat, in a variety of ways, individuals who have psychological disorders.
Q. Let me start with your education and your experience --
MR. MESEREAU: Excuse me.
Your Honor, the witness appears to be reading something that I have not seen. May I request an opportunity to look at that?
THE COURT: Yes, you may.
MR. ZONEN: Is he? Or was he just looking down?
MR. MESEREAU: Yes, he was.
MR. ZONEN: Maybe we should establish if he 4229

was reading from something.
THE COURT: He has something in front of him. Some papers there.
MR. MESEREAU: Thank you, Your Honor.
(To the witness) May I see this?
THE WITNESS: Yes.
MR. MESEREAU: Thank you.
Just for the record, Your Honor, the witness appears to have a very thick file. I would like to use it during the cross-examination.
THE COURT: You may or may not, depending on what happens.
MR. MESEREAU: Okay. Thank you.
MR. ZONEN: May I proceed?
THE COURT: You may.
Q. BY MR. ZONEN: Your education, please? What is your education?
A. I received a bachelor's degree from California State University, master's degree from Boston University, doctorate from UCLA.
Q. And your doctorate is in what subject?
A. Counseling psychology.
Q. When did you receive your doctorate?
A. 1977.
Q. Are you a practicing psychologist at this time?
A. Licensed clinical psychologist.
Q. And do you have a practice that you 4230

maintain?
A. Yes, I do.
Q. What percentage of your workweek is devoted to an actual practice where you care for and see patients?
A. I spend approximately 60 to 70 percent of my practice seeing patients and clients.
Q. And what do you do with the balance of your professional week?
A. I spend 40 percent as a consulting psychologist on a television show called Starting Over.
Q. What is that?
A. It's a show that helps women change their lives, women who have a myriad of problems that range from relationship disorders to life-threatening illnesses.
Q. And how long has this show been in series?
A. This is the second year. I've been on it for one year.
Q. What do you do? Are you actually on the show, or are you a consultant to the show?
A. I do both. I consult to the show, and I'm actually the on-camera psychologist helping these women to formulate plans to change their lives.
Q. And the nature of the problems that you deal with on this show are what?
A. Very serious problems. They range from women 4231

who are battling cancer, to women who are dealing with grief and loss, relationship problems, career choices, problems that have stopped their lives that need to be sort of restarted, and they are with us for anywhere from 4 to 12 weeks.
Q. Are they actresses, or are they people with real problems, or are they just pretending to be people with problems?
A. These are real people with real problems, who are assessed by psychologists before they come on the show. It's unscripted. And they live in a house together for this period of time, and they receive a lot of expert help, counseling, coaching, expertise, to help them change their lives.
Q. How long have you been working as a psychologist, practicing psychologist?
A. Since 1978.
Q. And what types of experiences have you had as a psychologist?
A. Well, I spent my early years as a psychologist working with substance abuse; working for the National Institute of Drug Abuse.
And then went to Children's Hospital in 1975, where I spent five years. The first year was a general pediatric clinical internship. The second year was a specialty internship in child abuse. The third year was a fellowship in child abuse. And then I became a senior psychologist working with the 4232

Suspected Child Abuse Neglect Team, and what they call the Family Development Program, which was a treatment program for families of abused children and families who abuse their children.
Q. Is that your specialty, working with abused children?
A. It's one of my specialties. I, after that, had done -- I spent a great deal of time working with the courts, with dependency court in Los Angeles, working in child abuse cases. And later on, became more involved with family law cases, seeing a lot of family law cases for Los Angeles County.
Q. All right. In your -- in conjunction with your work with the courts in Los Angeles County, are you appointed by the Court to do evaluations?
A. In dependence court I was appointed by the court to do evaluations, yes.
Q. What does that mean, when you're appointed by the court, and what kind of evaluation?
A. It means the Judge selected from a list of so-called experts, expert panel, to conduct a 730 evaluation, Evidence Code 730 evaluation, of a child and/or family in the dependence court.
Q. And how many times have you been appointed by the Court to do evaluations?
A. In dependence court I was appointed over 600 times. 4233

Q. Do you have other either appointments or where you've been selected by stipulation by both sides to be an expert or potentially an expert witness?
A. Yes, in family court, in criminal court, I've been appointed about 700 times.
Q. Now, do you testify in all of those occasions?
A. No, I do not.
Q. Do you testify on a small percentage of those occasions?
A. Yes, I do.
Q. But you have testified as an expert witness previously, have you not?
A. Many times.
Q. Do you consider yourself to be -- do you consider a specialty of your practice dealing with abused children?
A. One of my specialties, yes.
Q. When you say "abused children," do we mean more than sexually abused children?
A. That's correct.
Q. So what categories of abuse do we deal with in your specialty?
A. Physical abuse, endangering, neglect, emotional abuse, and sexual abuse.
Q. Do you lecture as part of your practice?
A. Yes, I do. 4234

Q. And where, and how, and how often?
A. Well, I have lectured over the past 25 years to groups arranged from judges, attorneys, the Bar Association, judges' college. Co-chaired two conferences with the dependency court, one of them with Judge Paul Boland. I have lectured through a lot of programs for the Los Angeles County Bar Association, and a variety of programs.
Q. Do you teach and have you taught?
A. I taught at UCLA for approximately ten years.
Q. What subject?
A. I taught research methodology, thesis seminar. Taught at Antioch University for three years, where I taught research methods, ethics, law and ethics, and human sexuality.
Q. In the course of your practice, have you --
THE COURT: Counsel, let's take our break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4177 through 4235 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 30, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 30, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 30, 2005

8:30 A.M.

(PAGES 4237 THROUGH 4410)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 4237

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I N D E X

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on index.
Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KATZ, Stan J.	4245-M	4302-Z	4305-M	
		4310-Z		
(Further)				
DICKERMAN, William	4312-Z	4329-M	4374-Z	
KLAPAKIS, Jeff	4377-SN	4393-M		
(Re-called)				

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
625	Collection of letters		4317
630	Collection of letters		4317
769	Notebook		4377

THE COURT: Before you proceed, I want to give the jury some dates they can look forward to. (To the jury) Next Wednesday, the 6th of April, it will be dark. We will not be session. I have to go to a meeting in Los Angeles. And on April the 12th, which is the following Tuesday, we will only be in session in the morning, and I have a meeting in the afternoon. And then on April 20th, we will only be in session in the morning. I have a meeting in the afternoon.

So, just to restate that, April 6th, we will not be in session all day, next Wednesday. The 12th we'll be in session only in the morning. And the 20th we'll be in session only in the morning. So you can go ahead and make alternate plans.

All right. Counsel, you may proceed.

MR. ZONEN: Thank you, Your Honor.

Q. Dr. Katz, who is Larry Feldman?

A. Larry Feldman is an attorney in Los Angeles.

Q. And have you worked with Larry Feldman?

BAILIFF CORTEZ: Microphone.

Q. BY MR. ZONEN: Have you worked with doctor -- with Larry Feldman previously?

A. I have on two occasions.

Q. Two occasions over what period of time?

A. 18 years.

Q. Incidentally, this television show -- if I 4240

1 can backtrack just for one second.
2 A. Sure.
3 Q. -- that you're involved in. Was this your
4 first experience in working in television?
5 A. No, I've been working with media since 1978
6 either as an advisor or on television films. I've
7 done three book tours, so I was on a lot of shows
8 because I was on tour for three books.
9 I actually was a guest on numerous occasions
10 talking about current topics. I did 23 episodes of
11 another show a number of years ago.
12 Q. As a consultant?
13 A. Consultant on camera.
14 I was the co-chairman of the first
15 international conference on children in the media,
16 international conference in children in the media.
17 So I've been working with media for approximately 25
18 years.
19 Q. All right. This television show is perhaps
20 a little different, but not unusual for you?
21 MR. MESEREAU: Objection; leading.
22 MR. ZONEN: I'll withdraw that question.
23 Q. This television show is not the first one
24 you've been involved in?
25 A. That is correct.
26 Q. Now, we were asking about Larry Feldman.
27 Larry Feldman is an attorney in private practice in
28 Los Angeles; is that right? 4241

A. Yes.
Q. And you indicated that you had a couple of other associations with him?
A. Yes, two in 18 years. Two others besides this one.
Q. And when were the other two cases?
A. I understand -- the first one was in approximately 1987, although I don't have a distinct memory of that.
Q. Okay.
A. And the second one was the Jordan Chandler case.
Q. And that was when?
A. I don't have notes on that, but I think '93, '92.
Q. Okay. All right. In this particular case, were you retained by Larry Feldman to do some evaluations?
A. I was retained by Mr. Feldman to conduct some interviews.
Q. Okay. And what type of interview?
A. Mr. Feldman came to me and said that --
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: Tell us what your understanding of what you were supposed to be doing was.
A. My understanding was that I was to interview 4242

three children regarding allegations that they have been either mistreated, abused, possibly molested, that they had participated in a television program without their consent, and that there were numerous allegations, and he wanted me help sort it out.
Q. All right. Did you conduct interviews?
A. I did.
Q. And the interviews were with which children?
A. With Gavin Arvizo, Star Arvizo, and Davellin Arvizo.
Q. How many interviews with each of these children?
A. Two each.
Q. When did these interviews --
A. Excuse me. Two with Gavin, two with Star, one with Davellin.
Q. Did you interview their mother as well?
A. I did.
Q. When was she interviewed?
A. She was interviewed on May 15, 2003, May 16, and June 11, 2003.
Q. So you had three separate interviews with their mother?
A. I did.
Q. And is she Janet Arvizo?
A. She is.
Q. The interview with the two boys, Star and Gavin, when were those interviews? 4243

A. May 29 and June 11, 2003.
Q. And how long, approximately, were those interviews?
A. Each interview is usually approximately an hour, so they were probably an hour each on that day, each day.
Q. And you said you had one interview with Davellin Arvizo?
A. Yes.
Q. When was that date?
A. May 29, 2003.
Q. During the course of those interviews, did you discuss with either of the children the possibility of a lawsuit?
A. I did.
Q. What was the purpose of that discussion?
MR. MESEREAU: Objection, to the extent it calls for hearsay.
THE COURT: The question was, "What was the purpose of the discussion," not what was said. So I'll overrule the objection.
Q. BY MR. ZONEN: Go ahead.
A. The purpose was, excuse me, to determine what the children's expectations were for talking to me, and what they thought would happen as a result of talking to me.
Q. At the conclusion of all of these interviews, did you contact Child Protective 4244

Services or the Department of Child & Family Services in Los Angeles?
A. I did not personally contact them. However, I did go to Department of Children & Family Services on June 12th, 2003, and made an oral report to the Department of Children & Family Services social workers.
Q. All right. Following that, did you have an interview with Santa Barbara County law enforcement?
A. The next day I did.
Q. Did they contact you or did you contact them?
A. They contacted me, and left a message, and I returned their call.
MR. ZONEN: I have no further questions.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Dr. Katz.
A. Good morning.
Q. We haven't met, right?
A. We've never met.
Q. My name's Tom Mesereau and I speak for Michael Jackson.
Now, you indicated that you had a -- I think the word you used was "association" with Attorney Larry Feldman that involved two cases; is that correct? 4245

A. Correct.
Q. Has Larry Feldman personally ever referred any business to you?
A. He referred a total of three cases to me.
Q. Has he ever referred any clients or patients to you?
A. I don't think so.
Q. Do you know for sure?
A. Well, I've been in practice 25 years, and people -- I've seen hundreds of people, but I don't recall anybody telling me that they were referred by Mr. Feldman.
Q. Okay. So your statement is that other than the two legal cases you referred to in response to the prosecutor's questions, Larry Feldman, to your knowledge, has never referred any patient to you?
A. I don't recall, yes.
Q. Do you know whether any firm associated with Larry Feldman has ever referred any patient or potential patient to you?
A. I don't know.
Q. You don't know?
A. I don't know.
Q. Okay.
A. I don't know all the firms he's been associated with.
Q. Do you know if any relative of Larry Feldman has ever referred any patients to you? 4246

A. I have no recollection of any relative of Larry Feldman referring a patient to me.
Q. Do you know any of Larry Feldman's relatives?
A. I don't think I know any of Larry -- oh, I do know his wife. Is that a relative?
Q. I think so.
A. I'm not sure. Not blood.
Q. You're not sure. All right.
Do you know any cousins of Larry Feldman?
A. I don't think so.
Q. Okay. But you're not sure?
A. I'm not sure.
Q. Okay. Do you know the name of any law firm Larry Feldman's ever been associated with?
A. I know his current firm is Kaye, Scholer.
Q. How do you know that?
A. Because he told me he moved from his last firm to Kaye, Scholer.
Q. And when did he tell you that?
A. I think within the last year or so.
Q. Do you know a therapist named Leonora Hausner?
A. Yes, I do.
Q. How do you know her?
A. I've known her for years through Beverly Hills Mental Health Center, through the Beverly Hills School District. 4247

Q. To your knowledge, is she related to Larry Feldman?
A. I don't think she's related to him, no.
Q. In no way?
A. Not related to him, no.
Q. When you say "not related to him," what do you mean? Does she have any connection to Larry Feldman?
A. I think she does. I think his daughter or son is married to her daughter or son.
Q. Has she ever referred patients to you?
A. Yes, she has.
Q. She's referred a lot of them, has she not?
A. I would say yes.
Q. Is there any reason you didn't reveal that earlier?
MR. ZONEN: Revealed what earlier? Argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many patients has Leonora Hausner referred to you, to your knowledge?
A. Probably in the last 25 years, maybe six to eight.
Q. And do you think she's related by marriage to Larry Feldman?
A. I'm not sure what the correct relationship is. I already said that I think her daughter or son is married to one of his children. 4248

Q. Okay. Do you know for sure?
A. I think so.
Q. What do you know for sure?
A. A lot of things. Not that.
MR. ZONEN: I'll object. Argumentative.
THE COURT: Sustained.
MR. MESEREAU: Okay.
THE COURT: I thought you accepted that.
But --
MR. MESEREAU: Okay.
Q. Dr. Katz, please tell the jury what your understanding is, as you sit here today, about the relationship of Leonora Hausner to Attorney Larry Feldman.
MR. ZONEN: Objection. Asked and answered; and irrelevant.
MR. MESEREAU: I couldn't get an answer.
MR. ZONEN: I believe he answered --
THE COURT: Just stop talking, both of you.
I'm going to allow that question.
I'll have it reread for you.
(Record read.)
THE WITNESS: I think one of his children is married to one of her children. I believe that to be the case. I never met either one of them, so I believe that to be the case.
Q. BY MR. MESEREAU: And where did you learn that information? 4249

A. From Mr. Feldman.
Thank you.
Q. How long have you known about this?
A. Probably two years.
Q. Okay. Did you review any documents before you testified today?
A. Yes, I did.
Q. And are those the documents in front of you?
A. Yes, they are.
Q. Okay.
MR. MESEREAU: May I see those documents, Your Honor?
THE COURT: Yes.
MR. MESEREAU: May I approach?
THE COURT: Yes.
MR. MESEREAU: Thank you.
THE WITNESS: Would you like to look at the file?
MR. MESEREAU: Yes.
THE WITNESS: Oh, here.
MR. MESEREAU: Thank you.
THE COURT: And, Counsel, that's not how that's going to happen. You don't take his notes and then start questioning about them.
MR. MESEREAU: Okay. What would the Court prefer?
THE COURT: You asked permission to see them.
MR. MESEREAU: Yes, okay. 4250

THE COURT: I gave that permission. Now, take them back up there.
MR. MESEREAU: Okay. May I take a look at them again, Your Honor?
THE COURT: You may.
MR. MESEREAU: Thank you.
Q. Dr. Feldman (sic), when you interviewed the Arvizos, did you bill for your services?
A. I did.
Q. Who did you bill?
A. Mr. Feldman's office.
Q. And how much did you bill for your services?
A. A total of $4,800.
Q. Did that bill comprise all of the interviews you described to the jury?
A. Yes, it did.
Q. And what was your hourly rate for those interviews?
A. $300 per hour.
Q. Have you been paid?
A. Yes, I have.
Q. By Mr. Feldman?
A. By his firm at the time.
Q. Okay. And what firm was that?
A. I don't recall the name of the firm. He was one of the principals, so Feldman & Something, or Something & Feldman.
Q. Okay. You mentioned you have a television 4251

show, right?
A. Correct.
Q. And you've been doing that for approximately
a year?
A. That's correct.
Q. And without giving the amount, you're
certainly paid to do the show, correct?
A. Not very well.
Q. Okay. But you are paid?
A. Not enough. I'm paid, yes.
Q. "Not enough" you say?
A. Not enough.
Q. How much would you like it to be?
A. More.
(Laughter.)
Q. Which station is that show on?
A. It's an NBC-Universal syndicated show.
Q. And it's on once a week?
A. It's on five days a week.
Q. You told the jury that you were retained by
Attorney Larry Feldman in the Jordie Chandler case,
correct?
A. That's correct.
Q. That was a lawsuit that Attorney Larry
Feldman filed against Michael Jackson, correct?
A. That's correct.
Q. That was in approximately 1992, correct?
A. Yes. 4252

Q. And you were paid money to work with Mr. Feldman on that case, correct?
A. Well, I was paid for my time and services, not to work with Mr. Feldman.
Q. But he's the one that got you involved, true?
A. He's the one that retained me on the case.
Q. Okay. And did he pay you a retainer on that case?
A. I don't think he paid me a retainer. I think he paid me for the time I spent on the case.
Q. Okay. Okay. Okay. You've been in contact with him ever since, correct, on a periodic basis?
A. I don't remember talking to Mr. Feldman -- I don't remember talking to him the last ten years. I don't think I've been in contact, but I don't recall.
Q. Well, you certainly -- you don't recall?
A. I don't know if he ever called or I ever ran into him, but I don't remember doing anything professionally with him for the last ten years.
Q. Okay. I'm not asking if you did something professionally with him.
A. Contact?
Q. I'm asking if you've had any contact of any kind with him before he referred the Arvizos to you.
A. Well, I'm trying to explain that. I have no 4253

social relationship with him. I don't go to dinner with him or never been to his house. I don't have lunch with him, dinner with him. I may have had a phone call about something. I may have talked to him in the ten years. I don't have any other recollection, though.

Q. Now, did he call you about interviewing the Arvizos?

A. Yes, he did.

Q. And is it because of his phone call that you interviewed the Arvizos?

A. Yes, I did.

Q. Did you communicate with Attorney Larry Feldman about those interviews?

A. Yes, I did.

Q. Did you communicate with Attorney Larry Feldman while those interviews were being conducted?

A. Are you talking about during the actual interview, you mean like telephonically?

Q. Between the first -- excuse me, let me rephrase that.

Between your first meeting with the Arvizos and your last meeting with the Arvizos, did you discuss with Larry Feldman the content of any of those interviews?

A. I did.

Q. How many times?

A. I had a meeting with him in between the two 4254

sets of interviews on June 5, 2003.
Q. That's one meeting?
A. One meeting, yes.
Q. Did you ever talk to him on the phone before or -- or after that meeting about your interviews with the Arvizos?
A. I believe I had a brief conversation with him prior to setting up that meeting.
Q. After the interviews were finished, did you contact Mr. Feldman and discuss those interviews?
A. Yes.
Q. Approximately when was that?
A. On the day of June -- June 11.
Q. Was that a phone conversation?
A. Yes, it was.
Q. Did you ever have a personal meeting with Attorney Larry Feldman to discuss those interviews?
A. Yes, on June the 5th.
Q. Did you bill Mr. Feldman for the time you spent in that meeting?
A. Yes.
Q. Did you bill Mr. Feldman for the time you spent on the phone?
A. I don't believe so. I think it was a five-minute phone call to set up the meeting.
Q. You indicated you met with authorities in Santa Barbara at some point, correct?
A. I never met with them in person. 4255

Q. Did you ever talk to them on the phone?
A. I did.
Q. And was the subject of that phone call your actions with the Arvizos?
A. My interviews. The subject was my interviews, yes.
Q. And do you recall approximately when that phone call was?
A. I think it was June 13, 2003.
Q. And who was that phone call with, if you know?
A. Detective Paul Zelis.
Q. Did you know whether or not that phone call was being recorded?
A. I did not know.
Q. At some point you learned it had been recorded, correct?
A. That's correct.
Q. How did you learn that?
A. I learned that when I saw the transcript of the -- of the phone call.
Q. And how did you get a copy of the transcript?
A. Mr. Zonen of the D.A.'s Office gave me the transcript.
Q. And approximately when was that?
A. I do not remember.
Q. And you reviewed that transcript before you 4256

testified today, correct?
A. Yes, I did.
Q. And you made notations on the transcript, correct?
A. Are you asking me if I made notations that are on the transcript right now, the copy you have?
Q. Well, I don't have your copy. You have your copy now, right?
A. Yes, I have a copy. There are notations on that transcript that I did not make, and there are some notations I made last night on the transcript for my own edification. But there are notations on the transcript which are not my notations.
Q. Whose notations are they?
A. I understand Mr. Zonen's. And when he made the copy of the transcript, he gave me, I think inadvertently, his copy where he had made notations.
Q. Did you ever discuss -- excuse me, let me rephrase that. Did you ever discuss Prosecutor Zonen's notations on the transcript with Prosecutor Zonen?
A. Never.
Q. Okay. Did you ever tell him you have a copy of a transcript that appears to have his notations?
A. No, I did not.
Q. Is today the first time, as far as you know, he's ever heard that you have his transcript with

his notations?
A. No, because he actually told me, he said, "Those are my" -- recently he told me, "Those are my notations in case you're asked." And I said, "Oh."
Q. Okay. When you spoke to the Santa Barbara sheriffs, you talked about your discussions with the Arvizos, correct?
A. That's correct.
Q. Who was involved in that call besides you? Was it one officer, or more than one, to your knowledge?
A. To my knowledge, it was just Detective Paul Zelis.
Q. Was that an unexpected call, as far as you're concerned?
A. No, it was not.
Q. Okay. Was it not unexpected because you had already contacted authorities yourself?
A. I had contacted Department of Children & Family Services in this face-to-face meeting. And because I felt obliged to make this report, I told Mr. Feldman that I had to report this to Santa Barbara County authorities. And he told me that he would find out which authority to report this to, because he wanted to be sure it was confidential. And so I then heard from -- excuse me, I then heard from Detective Paul Zelis, who called me. And I returned the call. 4258

Q. Do you remember telling Detective Zelis that the Arvizos came to you in this lawsuit?
A. Yes.
Q. Do you remember referring to the lawsuit more than once?
A. Probably so.
Q. You're not sure?
A. Well, I think I referred to it more than once, yes.
Q. Okay. Your belief that there was a lawsuit came from Attorney Larry Feldman, true?
A. No.
Q. He's the only attorney you had spoken to about the Arvizos at that point, correct?
A. Yes.
Q. You're not a lawyer, correct?
A. That's correct.
Q. It was your belief, when you talked to the Santa Barbara sheriff, that Mr. Feldman was filing a lawsuit for the Arvizos, correct?
A. It was my belief that he was thinking about filing a lawsuit, yes.
Q. To your knowledge, does Attorney Feldman still advise the Arvizos?
MR. ZONEN: I'll object as speculative or hearsay.
THE COURT: Overruled.
You may answer. 4259

THE WITNESS: I don't know. I don't know that.
Q. BY MR. MESEREAU: When did you last talk to Attorney Larry Feldman about this case?
A. Yesterday.
Q. Did he call you or did you call him?
A. He called me.
Q. Are you telling the jury that in that call you did not discuss with Attorney Feldman in any shape or form this case?
A. I never said that. I said he didn't tell me that he was advising the Arvizo family.
Q. Did --
A. I don't think he's advising the Arvizo family.
Q. In your phone call with Attorney Feldman yesterday, did you, Dr. Katz, discuss this case?
A. Yes, I did.
Q. Before yesterday, when was the last time you spoke with Attorney Larry Feldman about this case?
A. I don't have the dates here, but within the last couple weeks, we talked about the schedule, when we were going to both be appearing, and we reviewed our notes together.
Q. And you reviewed your notes with Attorney Larry Feldman regarding this case?
A. Yes.
Q. Okay. Would that include the file you have 4260

with you today?
A. Well, he didn't review my file. However, we went through the process just so that we both could refresh our memories of things that weren't written down.
Q. How long was that discussion?
A. About a half hour.
Q. Where did it take place?
A. In his office.
Q. Did you go to his office?
A. I did.
Q. So you both discussed what you were going to testify to in this case, correct?
A. No. We both talked about exactly our recollections of how this case progressed, that's correct.
Q. Before that meeting, when was the other -- excuse me. Let me rephrase that. You talked to him on the phone yesterday about the case, right?
A. Correct.
Q. You met with him at the meeting you've just described about the case?
A. Correct.
Q. Did you ever meet with him before that about this case?
A. Not since June 5th of 2003.
Q. And have you ever talked to him on the phone since June 5th, 2003, about this case? 4261

A. Yes, I have.
Q. How many times, do you think?
A. Two or three.
Q. Are you telling the jury you don't think Mr. Feldman is providing any advice to the Arvizos at the moment?
A. I'm telling the jury I don't know whether he is. He did not tell me he's providing advice to the Arvizo family.
Q. And in your phone calls and meetings with Attorney Feldman, you never asked him?
A. No, I did not.
Q. Did you ever suspect during those phone calls or in those meetings that he might be representing the Arvizos?
A. What I do know, he has told me that he hadn't spoken, I think, to the family in a while. That's all he said to me.
Q. Okay. Now, you're aware that -- excuse me, let me rephrase that.
You've been involved in your career in a number of lawsuits involving allegations of child abuse, correct?
A. That's correct.
Q. How many lawsuits involving allegations of child abuse do you think you've been involved in as a professional psychologist?
A. In all venues? Do you mean family law? 4262

Criminal?
Q. Sure.
A. Dependency?
Q. Sure.
A. A couple thousand maybe.
Q. And have you been involved as a professional psychologist in any civil lawsuits involving allegations of child abuse where people wanted monetary damages?
A. Yes.
Q. Okay. And were they primarily in Los Angeles?
A. Yes.
Q. Are you aware that if a child is abused or claims they were abused they have until the age of approximately 20 to file a lawsuit?
A. Yes.
Q. And you're aware that, what is called a statute of limitations, meaning when the time period begins to commence --
MR. ZONEN: I'm going to object as exceeding the witness's expertise.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you had any experience, Dr. Katz, in the relationship between criminal proceedings and civil proceedings when it comes to allegations of child abuse?
A. Well, I'm not sure how to answer that, 4263

except to say that I'm currently working a number of civil cases regarding victims of the Catholic church, alleged victims of the Catholic church. Those cases, some may end up being criminal, some may be civil, depending on the statute of limitations, as you pointed out.
Q. Have some of them concerned criminal proceedings?
A. My work does not concern criminal proceedings with those cases.
Q. Have you ever testified in a criminal case before today?
A. Yes, I have.
Q. How many criminal cases have you testified in before today?
A. Less than half a dozen.
Q. Were they primarily in Los Angeles?
A. Yes, they were.
Q. In any of those criminal cases, were you also involved in a parallel civil proceeding?
A. No.
Q. In any of those criminal cases, were you involved in a parallel divorce proceeding?
A. Yes.
Q. Now, a divorce proceeding is a civil proceeding, correct?
A. Yes, it is.
Q. And what you're saying is that you were 4264

involved as a professional psychologist in both a civil divorce proceeding and a parallel criminal proceeding involving the same parties and issues, correct?
A. "Parallel" is the problem. Do you mean simultaneously, or one after the other? Sometimes I've worked a family law case and then was called into criminal court on the same case six months, a year later.
Q. Okay. And it's your understanding that if you have a conviction in a criminal case, you'll automatically win the civil case?
MR. ZONEN: I will object. Exceeding the scope of his expertise.
MR. MESEREAU: I didn't finish my question.
MR. ZONEN: Well, we know what it is.
THE COURT: You may finish the question.
Q. BY MR. MESEREAU: Given your experience in the criminal courts and in parallel proceedings in the civil courts where the same parties are involved --
MR. ZONEN: I'll object as to parallel proceedings in a civil court, as to whether it's a civil or a family law court.
THE COURT: He hasn't finished his question.
Q. BY MR. MESEREAU: Given your experience, Dr. Katz, in criminal actions involving allegations of child abuse and parallel civil actions involving 4265

allegations of child abuse where the same parties are involved, you're aware that if there is a criminal conviction, one would automatically win a civil suit for damages, true?
MR. ZONEN: Objection; exceeds the scope of his expertise.
THE COURT: Sustained.
Q. BY MR. MESEREAU: The prosecutor asked you about your experience in the area of child abuse, correct?
A. Correct.
Q. You have published articles in that field, true?
A. Yes.
Q. Do you know approximately how many articles you have published in that field?
A. Well, I think you're talking about -- professional articles, I think there's only one or two. If you're talking about books, there's three books. And there's probably a number of interviews or articles, some of which may be editorials. So I'm not sure how to answer the question. But certainly a number of publications.
Q. Let's just take articles --
A. Okay.
Q. -- that don't reach the form of a book. How many articles do you think you've published in the area of child abuse? 4266

A. Well, I'm not sure. Maybe three or four.
Q. And you've published in the Los Angeles Times, correct?
A. As far as I know, the New York Times, Los Angeles Times, they syndicate out to other newspapers, so I know some of the articles I wrote were way beyond; you know, in other markets also.
Q. You published an article called "Stop the Witch Hunt For Child Molesters," correct?
A. That's correct.
Q. In that article you dealt with your concern about false allegations of child molestation, correct?
A. Absolutely.
Q. You also published a book called "The Codependency Conspiracy," correct?
A. That's correct.
Q. And you published it with a woman named Amiee Liu, correct?
A. That's correct.
Q. And in that book, you talked about false allegations of child molestation, true?
A. Yes.
Q. You said that lawyers have told you as many as 40 percent of child molestation allegations are false, correct?
A. I'm not sure what context you're talking about, but certainly, in certain venues, that is 4267

true.
Q. You said that lawyers charged with turning these allegations into convictions estimate that as many as 40 percent of the accusations are insubstantive, correct?
A. I assume you're reading from my book.
Q. I am.
A. And I'm not sure what precedes it. But if I said it in my book, I will stand by it, that's true.
Q. You said, "Nowhere is our lack of objectivity more evident than in our reactions to reports of child molestation," right?
A. That's correct.
Q. You said, "The nation's courtrooms are inundated with new allegations of abuse every day," right?
A. Yes.
Q. You said, "But many of the lawyers who are charged with turning these allegations into convictions estimate that as many as 40 percent of the accusations are insubstantive," true?
A. Well, it's true. I'd have to give a context, but it's certainly true. It may be even higher than that in some cases, in some venues.
Q. And what venues were you talking about?
A. Particularly family law and divorce cases, high-conflict divorce cases, where allegations are made that one parent sexually molested a very young 4268

child under the age of usually four.
Q. When you were interviewing the Arvizos, did you do any background check into their involvement in any other litigation?
A. I did not.
Q. Did you ever check into any allegations of domestic violence in the Arvizo family?
A. I didn't check into any of these allegations. I did not investigate any of these allegations other than -- excuse me, other than to interview the parties. So I did not do any investigation of any allegations.
Q. In your book, "The Codependency Conspiracy," you talked about a witch hunt mentality with respect to false allegations of child abuse, true?
A. That's true.
Q. And you didn't just talk about divorce cases, you talked about the McMartin Preschool case in Manhattan Beach, California, true?
A. Yes, I did.
Q. And you mentioned that in the context of false allegations of child molestation in a criminal courtroom, true?
A. Well, I'm not sure if I said that in the book or not. I didn't memorize it. But I was talking about the McMartin case, which ended up being not only in the criminal court, it was in dependency court because there were children of the

teachers who were involved in dependency court, and I think there were civil suits also.
Q. Were you involved in that case in any professional way?
A. Yes, I was.
Q. How were you involved?
A. I was the director of training and professional education at the Children's Institute International, and that's the agency that initially interviewed all the McMartin children.
Q. And were you involved in that case for a number of years?
A. Well, my involvement was that I was director of the program. And Kee McFarland, who was the woman who interviewed the children, actually worked under me. But I was not -- I did not directly interview the children's parents.
I did interview -- my involvement with the McMartin case was, I did do assessments. I was asked by the Department of Children & Family Services to assess the children of the alleged perpetrators to see if they had been molested. Other than that, I had very little involvement directly with the case.
Q. Is it your understanding that that was perhaps the longest and largest criminal case in the history of Los Angeles County?
A. I think it was. 4270

Q. Going further into your book, you discuss
cases where you've had false allegations of
molestation where no one ever turned up any physical
evidence to support the molestation, correct?
A. That's correct.
Q. And you talk about situations where you
think children, for whatever reason, believed they
were abused, but really aren't or haven't been,
true?
A. I talk about young children under the age of
four who believe they were molested, yes.
Q. And in your opinion, they had not been,
correct?
A. That's correct.
Q. You discuss situations where therapists have
taught children that they were traumatized when, in
fact, they were not, correct?
A. Correct.
Q. And you talk about situations where, despite
what therapists have said about the existence of
molestation, courts have gone against them, true?
A. I'm sorry, where therapists have said they
believed children were molested and the courts have
not ruled --
Q. Yes.
A. Yes. Yes.
Q. And has that been your experience as well,
as an expert? 4271

A. My experience has been that there are people who are falsely accused and who get convicted, and there are people who are falsely accused that get acquitted, and there are people who get acquitted who did the deed. So I've had all that experience.
Q. You talked about children in abuse cases who are often scarred for life, not by the abuse, because it didn't occur, they're scarred by what you call the recovery process, true?
A. Yes.
Q. And what you were saying was, in situations where there has been no abuse, but a child is convinced that there has been and is put through a process of therapy to deal with the abuse that never happened, they can be hurt, true?
A. That's correct.
Q. You talk about situations where children can have thoughts essentially given to them by parents or therapists that convince them they've been abused when there is no abuse, right?
A. Yes. But I was talking about young children under the age of four. Pre-verbal children.
Q. You didn't limit it to that in your book, did you?
A. I'm not sure what you're reading, exactly, from, but I'm certainly talking about pre-verbal children. And I think there's a -- a comment made about young children under the age of five or so. 4272

Q. Do you know where the comment is?
A. I haven't looked at the book in a long time, but --
Q. Okay.
A. I'll have to look at it later.
Q. Okay. You talked about a number of situations where parents consistently told their children they've been abused, and the children believed it, and in your opinion there had been no abuse at all, right?
A. And that specifically is regarding young children. We're talking about children under the age of five years.
Q. You are aware, that there can be all kinds of motivations for false claims of molestation, correct?
A. Certainly there's a possibility of all kinds of claims and reasons.
Q. You're aware that alleged victims of molestation often sue for millions of dollars in civil court, correct?
A. That is correct.
Q. You talked about the reactions of victims of child sexual abuse, correct, in your book?
A. If you say so. I don't remember exactly what I talked about in that book, but --
Q. Well, you essentially said there can be all sorts of varying reactions, assuming it really 4273

occurred, right?
A. I suppose, yes.
Q. Well, you said that some experience physical or emotional trauma directly related to molestation, right?
A. Okay.
Q. And some exhibit none of those symptoms, correct?
A. I need to back up. You're reading something. Are you talking about victims who have been abused?
Q. Yes. I'm limiting this question to people who actually have been abused, not the people you discussed who were the victims of false accusations. Okay?
A. Thank you.
Q. With limiting my question to people who have actually been abused, you indicated some experience -- appear to experience no real change in their behavior, correct? They have no nightmares, they have no --
A. You're talking here about --
Q. Let me just finish the question, if I can. If I can.
A. Sorry. Excuse me.
Q. Okay. You discussed the fact that, in your opinion, victims of sexual abuse generally fit into one of three categories, true? Do you remember 4274

that? I could show you the book if you'd like to take a look at it.
A. It would be helpful, since I wrote it about 12 years ago. It would certainly refresh my memory. I could have brought a copy, but --
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at your book?
A. Well, I did for about three seconds.
Q. And did you have a chance to look at the three categories you identified in your book with regarding what a real victim of child sexual abuse might show?
A. Yes.
Q. Okay. Some will have nightmares, correct?
A. Yes.
Q. Some will have no nightmares, right?
A. Correct.
Q. Some will act out their version of the abuse, correct?
A. Some act out sexually, yes.
Q. And some will not act out sexually at all, right?
A. Correct.
Q. Some will suddenly become aggressive, right?
A. Yes.
Q. And some will not be aggressive at all, 4275

right?
A. Some will be withdrawn, yes.
Q. Some will be depressed, correct?
A. Yes.
Q. And some won't be depressed at all, right?
A. Yes.
Q. Some will demonstrate an aversion to their own body, right?
A. Some have problems with body image and aversion to any of their sexual organs, yes.
Q. And some don't have that at all, correct?
A. Right.
Q. And you would agree that it's difficult -- excuse me, let me rephrase that.
In this area, it can be difficult to determine if certain characteristics really relate to sexual abuse or not, correct?
A. That's correct.
Q. If you are examining a child, for example, where there's an allegation of abuse, and you learn, through whatever form, that the child is exhibiting aggressive behavior, it's difficult to know if that aggressive behavior is really the result of actual sexual abuse, right?
A. That's correct.
Q. And in your evaluation of a potential victim in a situation like this, one of the things you'd want to know would be, did that child exhibit 4276

aggressive behavior before the alleged abuse occurred, correct?
A. Well, I have to answer that by saying, if I was evaluating forensically this case, I would want to know a great deal about this family, about the alleged perpetrator, about all the data, multi-source data I could get.
If I was just interviewing the children to hear what they had to say so that I could make a determination whether or not I'd be obligated to make a report, it would be a different issue.
Q. Right.
A. I'd be the gatekeeper, the beginning of the process, if I felt there was reason to make a report, and then further investigation/evaluation would have to be conducted by professionals.
Q. And the quantity of investigation you just articulated which you state would be necessary to really determine if sexual abuse occurred you didn't do in this case, right?
A. That's correct.
Q. Okay. In your book, you talk about the situation where abuse is intertwined with other serious family or psychological problems, correct?
A. Are you talking about interfamilial, within-the-family abuse?
Q. Yes.
A. I think that's where you're going with that. 4277

1 Yes.
2 Q. And what you said was evaluating and
3 understanding real sexual abuse is made more
4 difficult if the family you're investigating has
5 other serious family or psychological problems,
6 true?
7 A. I'm not sure of the context there, Mr.
8 Mesereau, because when I -- I think I was talking
9 about sexual abuse within a family, where the
10 alleged perpetrator is a member of the family, you
11 have complications from a number of variables.
12 Q. Well, wouldn't you -- excuse me, let me
13 rephrase it.
14 Let's suppose the alleged perpetrator is
15 outside the family, right? And let's assume,
16 because we're just dealing with a hypothetical, that
17 the family itself is characterized by serious
18 emotional and psychological problems dealing with
19 domestic violence, divorce, allegations within the
20 family of molestation, alleged acts, multiple acts,
21 of violence going over years, alleged -- unusual
22 actions to obtain money so the family can survive, a
23 lot of emotional conflict between parents.
24 You would agree that all of those issues
25 could complicate the question of whether or not a
26 child in that family was truly abused by someone
27 else? Could complicate it?
28 A. It's possible. 4278

Q. If you had -- excuse me. If, during the course of your investigation as a professional psychologist and expert in this area, you discover that within the family unit, there have, over the years, been various allegations of molestation within the family unit, that would complicate your ability to evaluate whether or not someone had been molested by a third party, true?
A. Well, I don't know if it would complicate it. It would certainly be data I would want to look at.
THE COURT: Counsel, just a moment.
MR. MESEREAU: Yes, Your Honor.
(Brief interruption.)
THE REPORTER: Thank you, Judge.
THE COURT: Sorry, Counsel.
MR. MESEREAU: Thank you, Your Honor.
Q. You indicated in your book, Dr. Katz, and we were alluding to this before, that if abuse is intertwined with other serious family or psychological problems, you need to focus on these problems separately in treatment, correct?
A. That makes perfect sense to me. I'm not sure I wrote exactly that, or said that, but that makes sense.
Q. I can show you the paragraph.
A. Well, I believe you.
Q. Okay. And what you said was, you recognize 4279

that different problems may have little to do with each other, or may have a lot to do with each other, right?
A. Correct.
Q. And you say the abuse that's claimed may be very insignificant in a situation where you discover serious psychological and family problems within the family unit, true? May be.
A. I'm not sure. The first part of the question I missed. You said abuse may be inconsequence --
Q. Yeah. You indicated that the abuse suffered --
A. Are you quoting? Because if you quote, then it's easier for me to refer to. I'm not sure if you're paraphrasing or interpreting.
Q. Let me just read you a paragraph.
A. Thank you.
Q. Okay. "If the conflict you feel about your abuse is intertwined with other serious family or psychological problems, you need to focus on these problems separately in treatment, recognizing that the different problems may have little to do with each other, and that the abuse you suffered may have been relatively insignificant."
Do you remember reading that?
A. Writing it.
Q. Excuse me, writing it. 4280

A. I do remember writing it, yes.
Q. Okay. Okay. Correct me if I'm wrong, you were suggesting that, in a situation where you have an allegation of abuse that sounds quite serious, if you, as a therapist, start to investigate the domestic situation in that family, and you, as a therapist, find all sorts of other psychological problems that may not be related to the abuse, there are situations where, once you investigate those problems and treat those problems, the actual claim of abuse may turn out to have been exaggerated, correct?
A. I think that totally misinterprets what I was saying.
Q. Okay.
A. What I was saying is that people have a myriad of complaints in their life, and that many adults wish to connect their current problems to a past event.
So, for example, a 40-year-old woman who can't find a relationship, a healthy relationship, says she was molested at age five and that's why she can't find a healthy relationship today, that she needs to look at what other things are stopping her and preventing her from having a healthy relationship today.
I think that was directed at that kind of person, not directed at a therapist and how to 4281

evaluate or treat an alleged allegation of sexual abuse.
Q. Well, but you were talking about treating sexual abuse when you wrote that paragraph, true?
A. I think I was talking about what I just said; that people like to blame lots of problems on traumatic events that happened in their lives. And they need to sort out that some of these events have nothing to do with actually what they've become or the problems they have.
Q. In fact, in many ways, the book that you wrote called "The Codependency Conspiracy" was a form of self-help book, correct?
A. It is a self-help book.
Q. And you talk about people who are perpetual victims, correct?
A. That's correct.
Q. And you basically talk about how, as they view themselves as a perpetual victim, they are essentially saying that they are powerless over their problems and don't have to take responsibility for them, right?
A. That's correct.
Q. And you basically were saying that's not the right way to live your life, right?
A. What I was saying, it's a debilitating and immobilizing way to live.
Q. Essentially you said that people who are 4282

perpetual victims are not really --
MR. ZONEN: I'm going to object as exceeding the scope of the direct examination.
THE COURT: That's sustained.
Q. BY MR. MESEREAU: Do you remember, you wrote the following: "I do not think that a parent whose hand lingers momentarily while diapering his or her child belongs in the same category with convicted child pornographers or pedophiles, yet many therapists and self-help groups lump the victims of these different perpetrators together and treat them all as if they've been equally traumatized"?
MR. ZONEN: I'll object as exceeding the scope of direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You indicated in response to the prosecutor's questions that you had worked on a panel of psychologists, correct?
A. Yes.
Q. And was that with dependency court?
A. First in dependency court and then in family law.
Q. Okay. Now, when you're on a panel of psychologists in dependency court, you are routinely appointed to handle a dependency court case, correct?
A. Correct.
Q. And you're paid by the county, right? 4283

A. Correct.
Q. And how long did you say that you had done that?
A. Over ten years.
Q. Okay. So over ten years you were on that dependency court panel, you never knew when you'd be called to work on a dependency court case, right?
A. I didn't know exactly, that's correct.
Q. Okay. Now, were you doing that at the Edelman Courthouse on the 10 freeway?
A. I started doing it at the old courthouse at first, I think criminal, and then it was over on Sixth Street before the Edelman Courthouse.
Q. Okay. Now, would you agree that in dependency court, you often find false claims of molestation?
A. Who's "you"?
Q. Anybody.
A. Well, are you talking about did the judges find it? Did I find it? Who's who?
Q. Well, when you wrote in your book that, "Lawyers who prosecute molestation cases tell us that approximately 40 percent may be false," were you referring to dependency court?
A. Well, I'm not exactly sure which lawyers you're referring to or I was referring to at this point, but in general, the 40 percent figure comes out of research on mostly young children, preschool 4284

kinds of cases, family law cases.
It does not come out of the research on
children who were allegedly molested by a -- by
someone outside the family, and it doesn't come out
of research about children over the age of
approximately five or six.
Q. Have you done research in that area?
A. Just clinical experience.
Q. Okay. Have you had experience with false
claims of molestation involving children over six?
A. Well, when you say "experience," have I
evaluated cases where someone thought the claims
were false?
Q. Yes.
A. Or where the judge determined they were
false? Which would you like?
Q. Let's start with the first example.
A. Well, in every case there's two sides.
Q. Okay.
A. So there's always someone who doesn't
believe and someone who does believe. So I've been
involved with many of those cases, in criminal and
family law and in civil cases. I have been involved
in cases where people were acquitted in a criminal,
and they were convicted. And I've been involved in
cases where monetary damages were paid to victims
and where no monetary damages were paid to victims,
and family law cases where the judge made a finding 4285

that molestation did not occur, or the judge made a finding that there was inappropriate touching, fondling, some kind of sexual abuse.
Q. When you wrote in your book that 40 percent figure, saying prosecutors had told you that 40 percent of the accusations are insubstantive, you never limited it in the book to children who are six or younger, did you?
A. I don't think so. I have to look at the source data. But it's in the back.
MR. ZONEN: Could I see the book, please?
MR. MESEREAU: I can get you a copy.
THE WITNESS: It's available at amazon.com.
(Laughter.)
MR. ZONEN: Doesn't say "prosecutors."
MR. MESEREAU: It says, "Lawyers who are charged with turning these allegations into convictions."
MR. ZONEN: Judge, I'm going to object as misstating --
MR. MESEREAU: Your Honor, I'll read it, if the Court would like.
MR. ZONEN: Well, I'm concerned about the prior question asked. He used the word "prosecutors."
MR. MESEREAU: I'll restate it. I'll restate the question.
Q. Dr. Katz? 4286

A. Yes.
Q. You know that these prosecutors are all lawyers, don't you?
MR. ZONEN: Which prosecutors is he referring to? Objection. Vague; argumentative.
THE WITNESS: I have --
MR. ZONEN: There's an objection.
MR. MESEREAU: I'll withdraw the question.
Q. Dr. Katz, have you met with any of these prosecutors at any time?
A. Yes, I have.
Q. When did you last meet with any of these prosecutors?
A. I met with Mr. Zonen, yes, sir.
Q. Are you aware that he is a lawyer?
A. I'm aware that he is lawyer.
Q. Are you aware that he's a lawyer paid by the government?
A. I'm not sure who he's paid by, but I assume he's paid by the county or someone.
Q. Have you ever met Mr. Sneddon?
A. I have.
Q. Are you aware that he's a lawyer?
A. I assume he's a lawyer if he's in his position.
Q. Are you aware that he's a lawyer paid by the government?
A. I assume he's paid by the county. 4287

Q. And have you met Mr. Auchincloss, who's directly to my left?
A. Yes, I have.
Q. Are you aware that he's a lawyer?
A. Yes, I'm aware that he's a lawyer.
Q. Are you aware that he's a lawyer paid by the government?
A. Paid by the government.
Q. Are you aware their jobs as prosecutors are to seek convictions?
MR. ZONEN: I'm going to object as argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you said in your book, you referred to lawyers who are charged with turning these allegations into convictions, you were referring to prosecutors?
A. Well, I actually was referring to cases that I already talked about, the young children, preschool cases, the family law cases --
Q. You were --
MR. ZONEN: The witness ought to be allowed to answer the question.
MR. MESEREAU: Sure. Sure.
Q. I apologize. Go ahead.
A. Family law cases where either they were trying to get some kind of finding in court, sustain a petition or criminal conviction, yes. 4288

Q. Dr. Katz, you know that you can't convict anyone of anything in a family law court, right?
A. No, but you can make a finding.
Q. But you don't convict in family law court, true?
MR. ZONEN: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Based on your experience, the only place you get convictions is criminal courts, right?
MR. ZONEN: Objection. Argumentative; and beyond his scope of expertise.
THE COURT: Sustained on argumentative.
MR. MESEREAU: Okay.
Q. Now, Dr. Katz, you said that 30 percent of your work is currently involved with television; is that right?
A. Approximately 30 to 40 percent, yes.
Q. And you said that you've been practicing since 1978; is that correct?
A. That's correct.
Q. And I believe you told the prosecutor for the government that you've been involved in other T.V. projects, correct?
A. Yes.
Q. And what were they?
A. Well, starting out in the early years, in the late '70s, I was an advisor on a number of 4289

1 television movies that had to do with either child
2 abuse or psychological issues. Did a number of
3 those kinds of movies.
4 I was a frequent guest on news shows talking
5 about current psychological topics.
6 I -- when I did my three books, I, of
7 course, did book tours, where you appear on numerous
8 shows, including "Oprah" and those kind of shows.
9 I have appeared as a panelist on T.V. on
10 certain topics. And have appeared as a guest to
11 work with family dysfunction on talk shows and other
12 television shows.
13 Q. When you did your -- excuse me, you did a
14 book tour to promote the book "Codependency
15 Conspiracy," did you not?
16 A. Yes.
17 Q. And did you appear on television as part of
18 that book tour?
19 A. Yes.
20 Q. Do you know how many times you appeared on
21 television as part of the book tour?
22 A. I would have no idea.
23 Q. And when you were on television, did you
24 talk about false claims of molestation?
25 A. I don't think so. That was just a small
26 part of the book. I don't remember specifically
27 talking about that, but certainly it could have come
28 up. And this was 1991, I think, so I don't have a 4290

distinct memory of that.
Q. Did you talk about people who act as if they're perpetual victims?
A. Yes, I did.
Q. And did you talk about your belief that there are ways to treat people who consider themselves perpetual victims?
MR. ZONEN: Objection; exceeds the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You indicated that you interviewed the three Arvizo children and the mother, right?
A. Correct.
Q. Did you ever interview the father?
A. Never.
Q. Did you ever investigate anything about the father?
A. No.
Q. And that's because you never really investigated the family other than the interviews you conducted, right?
A. That's correct.
Q. Okay. Now, when were the dates of those interviews?
A. Mom was May 15, May 16, June 11. Gavin and Star were May 29, June 11. And Davellin was May 29.
Q. So the first interview was May 15th, 4291

1 correct?
2 A. Yes.
3 Q. The last interview was June 11th, correct?
4 A. Correct.
5 Q. Now, you told the prosecutor for the
6 government that at some point you went to the
7 Department of Children & Family Services about the
8 Arvizos, correct?
9 A. Correct.
10 Q. And was Mr. Feldman with you?
11 A. Yes, he was.
12 Q. Was it your belief at the time that Mr.
13 Feldman was representing the Arvizos?
14 A. Yes, it was.
15 Q. When did you and Mr. Feldman visit the
16 Department of Children & Family Services for the
17 first time to talk about the Arvizos?
18 A. June 12th, 2003.
19 Q. And you had a meeting at that department,
20 correct?
21 A. Correct.
22 Q. That department is in Los Angeles, right?
23 A. Correct.
24 Q. Did you ever have a second meeting at that
25 department about the Arvizos?
26 A. I did not.
27 Q. Was that the only meeting you had?
28 A. That's correct. 4292

Q. Okay. Now, was it just you and Larry Feldman at that meeting?
A. And an associate of his. I don't recall his name right now.
Q. Okay. Now, when you attended that meeting with Mr. Feldman, did you know whether or not he was a friend of someone named Jamie Masada?
A. I'm sorry, who was a friend?
Q. Mr. Feldman.
A. I had no idea.
Q. Do you know Jamie Masada?
A. Never met him.
Q. Do you know Attorney Bill Dickerman?
A. Yes, I do.
Q. And how do you know Attorney Bill Dickerman?
A. He was present at the meeting that I had with Mr. Feldman on June 5th of 2003.
Q. Was he the only person at that meeting other than you and Mr. Feldman, to your knowledge?
A. No.
Q. Who else was at that meeting?
A. Mr. Feldman's wife, Jo Kaplan.
Q. Was anyone else at that meeting?
A. No.
Q. Was that the first time you met Attorney Bill Dickerman?
A. Yes.
Q. Do you know anything about Bill Dickerman's 4293

1 relationship with Jamie Masada?
2 A. He told me yesterday in the --
3 MR. ZONEN: I'm going to object as hearsay.
4 THE COURT: You may answer the question "yes"
5 or "no."
6 THE WITNESS: Would you repeat the question,
7 please?
8 Q. BY MR. MESEREAU: Yes. Do you have any
9 knowledge of Attorney Bill Dickerman's relationship
10 with someone named Jamie Masada?
11 A. Yes.
12 Q. And where did your knowledge come from?
13 A. Mr. Dickerman.
14 Q. And did he tell you that they're friends?
15 MR. ZONEN: I'm going to object, Your Honor,
16 as hearsay.
17 THE COURT: Sustained.
18 Q. BY MR. MESEREAU: Did you say you talked to
19 Bill Dickerman yesterday?
20 A. Yes.
21 Q. And did he call you or did you call him?
22 A. No, we sat in the holding area upstairs
23 together.
24 Q. Did you discuss the case at all with Mr.
25 Dickerman?
26 A. Not really.
27 Q. Not really?
28 A. Well, we talked a little bit about times and 4294

where we were going to stay last night and coming back here, and we talked about everything from the weather, to soup, to nuts. Not very much about the case.
Q. Okay. Was your meeting with Mr. Dickerman and Mr. Feldman the first time you had met Mr. Dickerman?
A. Yes.
Q. After that meeting, did you have any further contact with Mr. Dickerman before yesterday?
A. No.
Q. Have you communicated with him by letter at any time since that initial meeting?
A. Never.
Q. Okay. So the only attorney you've ever communicated with about this case is Attorney Larry Feldman, right?
A. No. The attorney sitting in front of us that we've named.
Q. The attorneys who are paid by the government?
A. Paid by the government, yes.
Q. Okay. To get convictions. Okay, all right.
MR. ZONEN: Is that a question?
MR. MESEREAU: I withdraw that.
MR. ZONEN: If it is, I'm going to object to it as argumentative.
MR. MESEREAU: I withdraw that. I withdraw 4295

that.
THE COURT: Objection's sustained.
Q. BY MR. MESEREAU: Do you have any knowledge of Larry Feldman filing any claim against Los Angeles County?
A. I read that, I think, on The Smoking Gun, or somewhere on the Internet, but he's never said that to me.
Q. Okay. Now, after your meeting at the Los Angeles Department of Children & Family Services that you have described, did you have any other meetings with Mr. Feldman about this matter?
A. Other than what I've described?
Q. Yes.
A. No.
Q. Did you and Mr. Feldman ever jointly appear with anyone in the Santa Barbara Sheriff's Office to discuss this case?
A. No.
Q. After the meeting you had at the Department of Children & Family Services, you spoke to the Santa Barbara Sheriffs at some point, correct?
A. Yes.
Q. And approximately when was that?
A. I received a call from Detective Paul Zelis on June 13, 2003.
Q. That was the first contact after the DCFS meeting you had, right? 4296

A. That's correct.
Q. Okay. Did you have any knowledge of Attorney Larry Feldman contacting the Santa Barbara Sheriffs at any time after the DCFS meeting?
A. I have no knowledge of that.
Q. Did you ever discuss that possibility with him?
A. No.
Q. Did you ever discuss with Attorney Feldman whether or not he had talked to Mr. Sneddon after the DCFS interview?
A. I don't think we ever talked about that.
Q. Never?
A. I don't have any recollection of that at all.
Q. Okay. So you've never heard anything about that as you sit here today?
A. I'm sorry, about Mr. Feldman talking to Mr. Sneddon?
Q. Yes.
A. Yes, I think that, as I said before, prior to the call to -- from Detective Zelis, I believe that Mr. Feldman called the D.A.'s Office. I don't know if he personally talked to Mr. Sneddon or not.
Q. Now, your understanding of any contact Mr. Feldman had in this case would have come from Mr. Feldman, correct?
MR. ZONEN: Contact with whom? Objection; 4297

vague.
MR. MESEREAU: I'm sorry, let me rephrase it.
Q. After the DCFS meeting that you have described, you learned at some point that Attorney Feldman spoke to prosecutors in this case, correct?
MR. ZONEN: Unless this conversation was in his presence, I'll object as hearsay and lack of foundation.
MR. MESEREAU: State of mind, Your Honor.
THE COURT: I'll allow the question. "Yes" or "no" answer only.
THE WITNESS: Could you repeat the question?
THE COURT: Do you want it read back?
THE WITNESS: Thank you, Your Honor.
(Record read.)
THE WITNESS: The only -- I'm sorry, but I'm not sure which prosecutor or prosecutors or assistant. I don't -- I know he called Mr. Sneddon's office. I don't have a recollection if he called directly to him.
Q. BY MR. MESEREAU: Okay. Do you have any knowledge of when the Arvizos first met Attorney Larry Feldman?
A. I vaguely remember. I think it was a month or two before I saw them.
Q. Okay. And correct me if I'm wrong, but you're suggesting to the jury that sometime after 4298

your last interview on June 11th, the Arvizos in some form contacted the police, correct?
A. I have no idea how that happened.
Q. Okay. Okay. But based on what you've just said, and I'm referring exactly to your understanding, that the Arvizos had talked to Mr. Feldman for a month or two before you got involved, right?
A. And I'm very vague about it. It could be a couple weeks, but some period of time before I got involved.
MR. ZONEN: Judge, I'm going to object as lack of foundation, unless he was involved in those conversations.
THE COURT: Overruled. Next question.
Q. BY MR. MESEREAU: Clearly, it was your understanding that the Arvizos had spoke to Attorney Larry Feldman before Mr. Feldman contacted you about this case, correct?
A. Yes.
Q. And based on what you've just told the jury, it was approximately a month after your first interview with any of the Arvizos that any report was made to any agency, true?
MR. ZONEN: Objection; vague. I'm not sure which agency, which report and by whom? By Feldman? By the Arvizos? By the police?
THE COURT: All right. That's enough. 4299

The objection is overruled.
Read the question back to him.
(Record read.)
THE WITNESS: The first interview was on May 15th with mother. The first interview with the children was May 29th. The report was made on June 12th.
Q. BY MR. MESEREAU: That's the report to DCFS, correct?
A. Correct.
Q. And it's your understanding that any contact with Santa Barbara, be it sheriffs or prosecutors, was after your meeting at DCFS, correct?
A. That's my understanding.
Q. Okay. Clearly, it was always your understanding that the Arvizos first went to lawyers before they ever went to any police office, correct?
A. It's my understanding that they went to attorneys before they went to the police department. That's my understanding.
Q. And was it your understanding that they first went to Attorney Dickerman before they went to Attorney Feldman?
A. Yes.
Q. Now, you have indicated that you were retained by Attorney Larry Feldman to work with him on his civil suit that he filed against Mr. Jackson in 1993, correct? 4300

A. That's correct.
Q. Was it your understanding that Mr. Feldman was in contact with Mr. Sneddon in 1993?
MR. ZONEN: Objection; lack of foundation.
THE COURT: Overruled.
THE WITNESS: I have no information about that at all. I don't have any memory of that, any information about that.
Q. BY MR. MESEREAU: Regarding your work on the 1993 case for Attorney Larry Feldman, when did your work cease?
A. Let me help you out by telling you what my work was. My work was to review the videotapes that were made between the victim --
Q. No, I'm -- go ahead.
A. -- and Dr. Richard Gardner.
Q. Okay.
A. And to review those tapes, those videotapes, and to view them and analyze them to give my feedback to Mr. Feldman.
Q. To your knowledge, no criminal case was ever filed against Mr. Jackson based on that '93 case, correct?
A. That's my understanding.
MR. MESEREAU: All right. Let me take just one more second, Your Honor.
THE COURT: Yes.
Q. BY MR. MESEREAU: I asked you at the 4301

beginning of my cross-examination about someone named Lee Hausner, correct --
A. Yes.
Q. -- who you met?
A. I know Lee.
Q. And Lee has referred, I think you said, something like six to eight patients to you?
A. I'm probably estimating around that.
Q. Do you know whether or not Lee Hausner referred the '93 case against Mr. Jackson to Mr. Feldman?
A. I'm almost sure she did not.
MR. MESEREAU: Okay. I have no further questions, Your Honor.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Mr. Mesereau asked you if you knew whether or not criminal charges had been filed against Mr. Jackson as a result of that '93 investigation, and you said no --
A. Correct.
Q. -- that they had not been.
A. That's my understanding.
Q. Do you know why not?
A. I understand a settlement --
MR. MESEREAU: Objection. Objection. Irrelevant; foundation; beyond the scope. 4302

THE COURT: Foundation; sustained. And relevance.
Q. BY MR. ZONEN: Doctor, you made a reference to -- or counsel made a reference to 40 percent false accusations. What is that in reference to?
A. I was specifically talking about young children. I was referring to the numerous cases that were filed in the 1980s in preschools where we had infants and toddlers alleging molestation, and I was talking about the -- the incredible number of high-conflict divorce cases where there were allegations of molestation with very young children, pre-verbal children, under the age of three and four.
I was not talking about extrafamilial sexual abuse. I wasn't talking about older children. I was specifically referring to those cases.
Q. What do you mean by extrafamilial sexual abuse?
A. Outside the family. Where the perpetrator is not a member of the family.
Q. What is your understanding about the percentage of false allegations in those types of cases involving older children?
A. My experience, my clinical experience, my collegial experience, is that there's very, very few false allegations made with alleged perpetrators outside the family by a child over the age of five. 4303

Q. And involving specifically allegations of sexual abuse involving boys, adolescent boys, what are the difficulties involved in making a false allegation --
A. Well --
Q. -- or sustaining it?
A. A pre-adolescent or adolescent boy is hypersensitive about his sexuality. It would be extremely unusual for a child who's developmentally at a stage where he's trying to figure out who he is, and to actually become a man, to make an allegation which would suggest that he's had inappropriate sexual relationships with a male. It would be extremely rare because these children are so protective and so guilt-ridden and shamed by any behavior that's extraordinary and extra-normal. So it would be highly unusual in my experience for a 12- or 13-year-old to make false allegations regarding a male perpetrator.
Q. All right. Doctor, based on your experience of as many years as you've been dealing with this, have you had any personal dealings or associations with cases where you believed there was a false allegation by an adolescent child motivated by profit?
A. Well, I've had some experience where I've had some young girls actually allege molestation by stepfathers to get out of the home sometimes, or 4304

fathers, and they have been recanted fairly quickly after investigations began.
Q. Are there difficulties in a child maintaining false allegations, from a practical standpoint?
A. In my experience, a child who is going to lie and fabricate cannot be consistent and hold that very long, because children are impulsive, they can't delay gratification. You can't tell a child, "Years from now, if you lie, something good will happen." Children are very much living in the now. They don't maintain consistent allegations when they start feeling as if the disadvantages of making those allegations seriously outweigh any advantages.
MR. ZONEN: No further questions.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Other than Mr. Jackson, how many cases of alleged molestation have you worked on involving well-known celebrities?
A. Probably less than half a dozen.
Q. Have you ever published an article about sexual allegations against celebrities?
A. I don't think so. I don't recall ever publishing anything like that.
Q. In any of your books, have you ever authored anything about the subject of sexual allegations 4305

made against celebrities?
A. Well, I -- I may have referred to cases, but I didn't refer to a personal concern.
Q. You said something about children who are making false allegations tend to be inconsistent when they describe those false allegations, correct?
A. No. What I said was, in fact, it's the opposite. Children who make false allegations are usually very consistent and almost scripted in what they say. They exaggerate, they embellish, they take every opportunity to make a positive into a negative.
Children who have been molested tend to be inconsistent. They have problems with memory retrieval. Their data storage is not great. They don't remember dates and times, and they don't remember exactly what happened. And they don't tend to embellish and exaggerate. When you interview these children and you ask them if something happened, they won't say, "Oh, yeah, that happened too." They'll say, "No, that didn't happen."
Children who fabricate will all of a sudden tell you that everything happened to them by everybody, and so they exaggerate because they don't know intellectually when to stop.
Q. So what you're telling the jury is, in your experience, exaggeration and embellishment can be signs of false allegations of sexual abuse? 4306

A. That is correct.
Q. And if you were investigating an allegation of sexual abuse, and if you, as a professional, were to learn that there was a history of false allegations before, would that be something that you would consider?
A. A false allegation of sexual abuse?
Q. Yes.
A. And the false allegations have been determined to be false?
Q. Or you think they're false, because you see a lot of exaggeration and embellishment in what the children say.
A. Well, you can't simplify it. These are just two factors. So I'm saying that children tend to do these things. They tend to exaggerate and embellish. That does not predict that they are lying. But if children do embellish and exaggerate, I'd be suspect of what the motivation is for making the comments.
Q. And if, in any of these cases, there is no physical evidence to support the allegation of sexual abuse, the decision regarding whether or not you believe the allegation is true is really a subjective one, right?
A. Well, there's rarely evidence in these kinds of cases. I've been involved in thousands. Rarely see evidence, physical evidence, like trauma to the 4307

genitals, for example. It's subjective evaluation based on an assessment and many data sources to actually determine what happened.
Q. Doctor, in cases involving sexual abuse in the criminal courts, you're seeing more DNA evidence all the time used in these cases, correct?
A. In some sexual abuse cases, yes.
Q. You're seeing evidence of semen, DNA, and things of that sort, correct?
A. In some of the cases, yes.
Q. And if you don't have any physical evidence, it becomes pretty much a subjective determination regarding credibility, correct?
A. Well, there may be other evidence which is more objective. But certainly if you don't have the physical evidence, you're missing one -- the physical trauma, you're missing one piece. But sexual abuse is not physically traumatic. Fondling does not leave marks and bruises and semen.
Q. But sexual abuse can leave marks or bruises or semen, true?
A. Yes, sir.
Q. Depending on the nature of it?
A. Yes, it can.
Q. And if it leaves marks or bruises or semen and there's evidence of that, it would support a claim, correct? 4308

A. That's correct.
Q. Now, when you say exaggeration or embellishment can be indications of a false claim, that could certainly include stories changing, could it not?
A. Well, as I said before, stories changing suggests that the child may be actually telling the truth, because children cannot retain memories very well. Their storage retrieval system is not very sophisticated. And as you can tell, even us professionals can't remember everything we did a year ago, let alone two years ago.
So it's very hard for a child to do that, and that would not be predictive whatsoever of a false claim.
THE COURT: All right. Let's take a break.
MR. MESEREAU: Oh.
(Recess taken.)
THE COURT: You may proceed.
MR. MESEREAU: Thank you, Your Honor.
Q. Dr. Katz, are you suggesting to the jury that you don't often see false claims of sexual abuse by teenagers?
A. Yes.
Q. Have you published any articles on that subject?
A. I have not.
Q. What research have you done on that subject? 4309

A. I have read probably all the current
research on "Jeopardy in the Courtroom," which cites
all the research regarding children in the courtroom
regarding molestation.
Q. Now, tell me what research you've done into
how many civil cases have been filed by plaintiffs
who are teenagers in the area of sexual abuse and
how many have been won or lost?
A. I have no research about that.
MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Doctor, do you have personal experiences
involving your own caseload over the past 20-plus
years that you've been doing this where you believe
there were cases that were allegations, false
allegations, of molestation that were motivated by
profit?
A. In addition to all the cases that I've
seen - I've supervised numerous interns and other
professionals - I don't recall seeing any
adolescents or preadolescents who were making
allegations for profit.
I do and have been involved with lawsuits
where children have alleged molestation, and there
have been civil suits and they've been awarded
damages. So that wasn't the motivation, but they 4310

did proceed with the civil case and they were awarded damages.
Q. All right. But in terms of where you believe that the allegation itself was false --
A. No.
Q. -- that was motivated by profit?
A. No.
MR. ZONEN: No further questions.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: Thank you. You may step down.
THE WITNESS: Thank you, Your Honor.
MR. ZONEN: Call William Dickerman to the stand, please.
THE COURT: Come to the front of the courtroom, please.
When you get to the witness stand, please remain standing, face the clerk here, and raise your right hand.

WILLIAM DICKERMAN
Having so affirmed, testified as follows:

THE WITNESS: Respectfully, I'd prefer to take an affirmation.
THE COURT: You may.
THE CLERK: All right. Do you solemnly affirm that you will well and truly answer the 4311

1 questions propounded to you under the subject of
2 penalty of perjury?
3 THE WITNESS: I do.
4 THE CLERK: Thank you.
5 Please be seated. State and spell your name
6 for the record.
7 THE WITNESS: William Dickerman;
8 D-i-c-k-e-r-m-a-n.
9 (Discussion held off the record at counsel
10 table.)
11
12 DIRECT EXAMINATION
13 BY MR. ZONEN:
14 Q. Mr. Dickerman, good afternoon.
15 A. Good afternoon.
16 Q. Sir, what is your current occupation?
17 A. I'm an attorney at law.
18 Q. And you've been an attorney for how long?
19 A. Since 1977.
20 Q. It won't be a long direct examination. I
21 don't think I have much voice left, so we'll keep it
22 brief.
23 THE COURT: You need to be closer to the
24 mike, Mr. Dickerman.
25 And they're not hearing you either, probably
26 because of your cold.
27 THE WITNESS: Is that better now?
28 THE COURT: Yes, thanks. 4312

MR. ZONEN: Is that better now?
THE COURT: Yes.
Q. BY MR. ZONEN: Sir, what kind of a practice do you have?
A. I'm a civil litigator/trial lawyer.
Q. Are you a sole practitioner or do you work in a law firm?
A. I am a sole practitioner.
Q. What kinds of cases do you handle typically?
A. Well, generally civil, or strictly civil rather than criminal, which means anything from contract breaches, to torts, negligence cases, unfair competition, copyright infringement. A whole broad array of noncriminal cases.
Q. Do you know Jamie Masada?
A. I do.
Q. Is he is a client of yours?
A. Yes.
Q. And you have represented him at different times over the years?
A. I have.
Q. Do you know Janet Arvizo?
A. I do.
Q. Is she a client, or was she a client of yours?
A. She was, and I believe she thinks she still is, so I'm assuming that she is.
Q. Okay. When did you first meet Janet Arvizo? 4313

A. February 21st, I think, 2003.
(Off-the-record discussion held at counsel table.)
MR. ZONEN: Excuse me.
Q. I'm sorry, tell me the date of your first meeting with her.
A. February 21st, 2003.
Q. 2003. And who was it who introduced you to her?
A. Jamie Masada.
Q. And what was your understanding of the nature of the problem?
A. Well, I have to be careful about disclosing any attorney-client privilege. And it's my understanding that Miss Arvizo and her family have not waived the privilege, so I've got to be careful about saying what I was told.
Q. Let me ask you differently, then. Did you meet with her on a few occasions?
A. Yes, I did.
Q. Was Mr. Masada present on those occasions?
A. Some he was; some he was not. The initial meetings he was.
Q. Approximately how many meetings did you have with Ms. Arvizo where Jamie Masada was present?
A. I'd say a total of three or four in either my office or at The Laugh Factory, and -- oh, gosh, there were other times during the representation 4314

1 when we were all together.
2 Q. Okay. Did -- you did have a meeting with
3 her at The Laugh Factory; is that correct?
4 A. I believe there were at least two at The
5 Laugh Factory.
6 Q. What are the dates of those, if you know, or
7 if you have them written down?
8 A. One of them I know was February 25th. And
9 there was another one that I -- I don't know the
10 date of, but I believe it was not very long after
11 that date.
12 Q. Did you engage in efforts to do things or
13 perform services on behalf of Miss Arvizo?
14 A. Yes.
15 Q. Did that involve writing letters?
16 A. Yes.
17 Q. To whom did you write letters?
18 A. Well, the first letter I wrote was to Mr.
19 Geragos, who I understood was representing Mr.
20 Jackson at the time. And there was a whole series
21 of letters to him.
22 After Mr. Geragos, I wrote -- or I'm not
23 sure, maybe it was even before Mr. Geragos, I was
24 writing letters to various media outlets with regard
25 to the "Living with Michael Jackson" show.
26 Q. What was the extent of the problem as you
27 expressed it to Mr. Geragos?
28 A. There were a number of problems that I 4315

expressed to Geragos. And I remember I wrote a letter on March 26th that covered three or four or five of those things.
Q. Was that the first letter that you wrote?
A. I believe so.
Q. All right. Go ahead.
A. The most serious issue, as I recall, was an intimidation/harassment/surveillance issue that I expressed to him. I was asking him or directing him to cut it out, or to have Mr. Jackson's people stop surveilling, harassing, intimidating my clients.
Q. And what else did you ask for? Did you ask specifically for anything to be returned?
A. Yes, I believe in that letter, and in several others soon thereafter, I asked for the return of passports, visas, birth certificates. There may have been some other papers.
Q. All right. And did you ask, as well, for other possessions that belonged to the Arvizo family?
A. I don't know if it was in that first letter. In one, at least one letter -- in fact, several letters, I asked for return of clothing that had apparently been -- not been returned to Gavin when they left Neverland, including tap shoes, shirts, socks, perhaps one or two other things.
Q. Okay. Were you aware as to whether or not their possessions, in other words, the contents of 4316

1 their apartment, had been moved to some location?
2 A. I had been told that they had been moved to
3 some location.
4 Q. Did you make some effort to notify Mr.
5 Geragos of that fact and to ask that their
6 possessions be returned?
7 A. Yes, I believe it was in that same letter
8 and others thereafter that I asked not only -- well,
9 asked that they be returned, but preliminarily, to
10 get a listing of what those items were, where they
11 were, who had control over them. I wanted a whole
12 listing of things so we would know what there was
13 and what to do with it.
14 MR. ZONEN: All right. May I approach the
15 witness, Your Honor?
16 THE COURT: Yes.
17 Q. BY MR. ZONEN: Mr. Dickerman, I'm going to
18 show you two exhibits. Exhibit No. 625 and Exhibit
19 No. 630 both appear to be a collection of materials.
20 Could you take them both? And let's start with 625.
21 Take a moment, if you will, and look through 625,
22 and tell me if you recognize the content of that
23 exhibit.
24 A. I do recognize the content.
25 Q. All right. And what is that collection of
26 letters?
27 A. These are letters to -- mostly to Mr.
28 Geragos, and at least one from him, with regard to 4317

those efforts that you just asked about.
Q. All right. Did Mr. Geragos acknowledge to you that they had Miss Arvizo's passport?
A. I don't believe he ever acknowledged it.
Q. Did he ever acknowledge that he had any -- or they had any of her other possessions, including the content of her apartment?
A. At some point he did state that they did have the items in storage.
Q. For the period of time that you were engaged in these communications by mail with Mr. Geragos -- a period of what appears to be a couple months; is that correct?
A. The first one was March 26th and his last letter to me apparently was June 2nd, so more than a couple months.
Q. Were you successful in getting Miss Arvizo and her family's possessions returned to them?
A. Not at all.
Q. Did Mr. Geragos ever tell you where they were?
A. I don't believe so. I think he simply referred to -- or referred the matter to Mr. Miller, Brad Miller, who then got in touch with me.
Q. All right. And when was that, the date of that?
A. Well, on June 2nd, he wrote that -- well, he asked to have my clients, quote, "assume 4318

responsibility for the lockers." I don't know that I knew at that time which lockers that he was talking about.

But then on June 12th, or thereabouts, I received from Brad Miller a letter in which he specified for the first time who had moved the items and where they were in storage.

Q. All right. Up until that point, did Mr. Geragos ever tell you where your clients' possessions had been taken?

A. No. No.

Q. What was your understanding of the extent of those possessions?

A. Well, again, without breaching attorney-client privilege --

Q. Just on the basis of your communication with Mr. Geragos.

A. Well, he had suggested to me that there might be two vaults' worth of material, and my understanding was that there was considerably less than that. Of course, I don't know what he meant by a "vault," but I was under the impression that there was not very much that we were talking about at all.

Q. Was it all the furnishings of an apartment?

A. That was my understanding.

Q. Was this different from your request for materials to be sent back that included clothing, dance shoes and passports? 4319

A. Well, the -- yes. The only things that I asked him to deliver, and repeatedly, many, many times, was the items that were recently transportable, the passports, the visas, the birth certificates and the clothing.
Q. Did you learn whether or not your clients' possessions were actually delivered to your office at some point in time?
A. Yes. I got a phone message the day -- or the day -- I think it was the day that they were brought over. The office manager was irate that certain things had been delivered or attempted to be delivered, furniture, boxes and whatnot, and it was a day that I was out for a religious holiday. So I was very surprised to find that this had happened. And I was told that those materials had been told to be returned, that they were not off-loaded. And I was quite upset about that, because I had made no arrangements with Mr. Geragos or anybody else for those things to be delivered at any time.
Q. Did you have a message on your voice mail or your answer phone that -- answer phone is what I mean to say, indicating that you would not be in the office on that particular day?
A. Absolutely. Yes, I did.
Q. That's the day that these things were delivered?
A. That's the day that they were delivered. 4320

Q. Were they actually received or accepted by the office manager?
A. No.
Q. Or the building manager?
A. They were not.
Q. Did you talk with Mr. Geragos thereafter about that?
A. I don't believe I spoke with him about it. But we did have an exchange of letters.
Q. Again, during that entire -- I think we're talking about eight to ten weeks, was anything ever delivered to you, where you took possession of it, or, to your knowledge, your client did?
A. Not a single item.
Q. Did you have actual verbal conversation with Mr. Geragos during that period of time?
A. I believe there was at least one, perhaps two.
Q. Did you, in the course of those conversations, ask him about your clients' passports?
A. Yes.
Q. And is this passports for each member of the family?
A. I think so. May I refer to --
Q. Yes, please.
A. Yes, the passports of the entire family.
Q. What did Mr. Geragos tell you about the 4321

passports, if anything?
A. I don't recall specifically, without looking at the document that embodies a memo, of what I talked to him about, but I don't think he knew what I was talking about. I remember him --
Q. Well, you have a number of letters to him included in this packet that is 625 where you ask him about passports, do you not?
A. Yes.
Q. Did you ask him to check into it?
A. Yes.
Q. Did you ask him about visas as well?
A. I don't remember. But again, there is a memo of a phone conversation I had with him, and it would be in that -- and that memo has been produced to everybody involved in the case, as far as I know.
Q. Mr. Dickerman, at any time during the eight to ten weeks that you were dealing with Mr. Geragos and ultimately communication with Mr. Miller, did he ever tell you, "Yes, we are in possession of these passports, and we will return them to you and your clients immediately"?
A. No.
Q. Did he ever acknowledge being in possession of those passports?
A. No.
Q. Did he ever acknowledge those passports existed? 4322

A. No.
Q. Those communications, 625, that you've looked at, are those letters accurate reproductions of the communications between you and Mr. Geragos in writing, and in return, Mr. Geragos back to you?
A. Yes.
Q. Now, turn to the next group of letters, please. That's 630; is that correct?
A. Yes.
Q. Excuse me.
630 is a collection of what kind of materials, please?
A. These are letters to and from -- well, from me to various attorneys, media outlets, with regard to trying to -- with regard to the Bashir show "Living with Michael Jackson."
Q. And among the people you wrote letters to are whom?
A. There was Granada Television. Granada Media Group. The British firm, law firm, of Addleshaw and Goddard. David LeGrand at Hale, Lane, which is a firm -- law firm in Las Vegas.
Q. Addleshaw and Goddard is where, what location?
A. In London.
Q. In London, okay.
A. And finally, the Broadcasting Standards Commission in London. 4323

Q. All right. The purpose of these communications was what?
A. Well, there are various purposes for the different ones.
Q. Okay. Were you -- what did they concern in general?
A. They all concerned the "Living with Michael Jackson" television program.
Q. All right. What was your concern about that?
A. Well, the concern as to Granada was that Granada and ITV, which was I believe a corporation associated with Granada in England, they cease and desist from using any program, tape, interview or film footage, whether it was used in the "Living with Michael Jackson" program or not, for any purpose whatsoever unless they could provide valid consents by my clients, who had been shot in that video or in that program.
Q. All right. Did all of these communications effectively deal with some issue pertaining to the screening of "Living with Michael Jackson"?
A. Yes.
Q. Was there any mention made to you by any of the people with whom you communicated over this issue that they, in fact, represented the Arvizo family or any of the Arvizo children in any claims against those who produced the documentary "Living 4324

with Michael Jackson"?
A. Yes, the Addleshaw-Goddard firm, especially -- or particularly Michelle Boote, who I understood was a lawyer with that firm, stated numerous times that that firm had been requested by Ms. Arvizo to represent her in this complaint.
Q. Was your purpose in this communication effectively to tell them that they were not?
A. Yes, and to keep them from moving forward with anything that they were doing on the complaint supposedly on her behalf.
Q. And -- all right. And did you instruct them not to proceed on her behalf in any other representation?
A. Yes.
Q. Why did you do that?
A. Because it was my understanding that she had never given any consent for them to do so.
Q. And was there a reason that you didn't want them representing her?
A. Because they weren't asked to represent her, and she didn't want them representing her.
Q. Okay. Was it your understanding that you would be representing her on that particular issue dealing with the ramifications of the documentary "Living with Michael Jackson"?
A. Yes.
Q. Now, you sent -- that collection of 4325

documents that you're looking at, No. 630, is that, in fact, a complete collection, if you can tell, of all the communications that you had with Addleshaw-Goddard and with Mr. David LeGross?
A. It was LeGrand.
Q. LeGrand, I'm sorry. As well as BBC?
A. Well, I know there were a number of communications. I can't be sure this is all of them. I certainly produced all of them, as far as I knew. I believe so.
Q. To the extent that you're looking at a collection of documents, each of the documents that you see in that exhibit, 630, is certainly one of those letters; is that correct?
A. Yes.
Q. Either to you or from you?
A. Yes.
Q. All right. Did you file a lawsuit on behalf of Janet Arvizo or her family?
A. No.
Q. At some point in time, did you refer this matter to another attorney?
A. Yes.
Q. All right. Who was that other attorney?
A. Larry Feldman.
Q. And why did you do that?
A. Excuse me.
I began representing the Arvizos in 4326

February. And by the time I met with Mr. Feldman, it was the beginning of May. In that period of time I had learned a lot of things. There were a lot of allegations being made, and I realized that the best thing for my clients to do, and for me personally as their attorney, was to get some expert input as to matters of Michael Jackson.

The initial things I didn't think I really needed to do that with, but as things developed, I wanted to get some input. So I met with Mr. Feldman, whom, by the way, I knew -- not "by the way." It was very important. I knew that he was -- by reputation, he was one of the top trial lawyers in California, if not the United States. And actually, previously, not knowing him except by reputation, I had referred a case to him, tried to refer a case to him that I could not handle for various reasons of an old client of mine.

And I knew that he was the go-to guy with regard to Michael Jackson matters. Of course, I knew about the 1993 case, so I met with him, with the idea of picking his brain, actually, not to refer any matters to him. And afterwards, he met with them, and they -- we all associated together. The Arvizos hired both him and me.

Q. All right. Have you filed a lawsuit as of this time on behalf of the Arvizos or anybody else?

A. No.

Q. Is it the case that the extent of your dealings with them so far, in terms of your communicating with others, has been for purposes of getting their property returned or dealing with the consequences of "Living with Michael Jackson," the documentary?
A. Yes.
Q. Do you have an understanding with Mr. Feldman that should there be a lawsuit in the future, that --
THE COURT: They're not hearing you.
MR. ZONEN: I'm sorry?
THE COURT: Behind; these people can't hear you.
MR. ZONEN: I'm terribly sorry.
Q. Is there an arrangement that, should there be a lawsuit in the future, that there would be compensation for you in any form of a settlement even if you're not participating in that lawsuit? Do you know what I mean?
A. Well, we have an agreement.
Q. Okay.
A. It doesn't say anything about participation or not. We were retained together, and I have a fee-sharing arrangement with Mr. Feldman.
Q. Which means what?
A. Which means I will get -- if there is such a lawsuit anytime in the future, that I will be 4328

entitled to a sliding scale, depending on whether there's a settlement or a judgment.
Q. Okay. What kind of lawsuit do you anticipate?
A. I don't anticipate any lawsuit. My understanding is that there isn't one in the offing. Nobody's talking about one. And I suppose if there were to be one -- well, that would be speculation.
MR. ZONEN: Okay. I have no further questions.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning. Or good afternoon, I guess.
A. Good afternoon.
Q. Mr. Dickerman, my name is Tom Mesereau. I speak for Mr. Jackson.
A. All right.
Q. You just told the jury you have a fee-sharing arrangement with Attorney Larry Feldman, right?
A. Correct.
Q. And fee-sharing arrangements among attorneys are a fairly standard type of thing, are they not?
A. Under certain circumstances, yes.
Q. And typically in a fee-sharing arrangement, the understanding is the following: Attorney 1 refers the case to Attorney 2. Attorney 2 files a 4329

lawsuit. And if there's a settlement or a judgment
or any amount of money recovered, then Attorney 2
has to give Attorney 1 a percentage of the recovery
the attorney gets, right?
A. Under circumstances as they often are, yes.
Q. It's typically called "a referral fee,"
right?
A. There are situations where there are
referral fees, and there are situations where the
attorney would be involved in the lawsuit and that's
how he would be compensated.
Q. In your typical referral fee arrangement,
the referring attorney, being the attorney that
sends the business to the other attorney, has an
arrangement where, if the other attorney collects
money, he gives a percentage to the attorney that
referred the matter, right?
A. In any strict referral fee arrangement, yes.
Q. But what you're telling the jury is your
arrangement with Larry Feldman is not a strict
referral fee arrangement, correct?
A. Correct.
Q. Your agreement with Larry Feldman is that
you both will share in any fees collected, correct?
A. Yes.
Q. And that would mean if tomorrow, or next
month, or this summer, you and Mr. Feldman decide to
file a civil suit against Mr. Jackson, you have an 4330

1 understanding that if any money is obtained, you'll
2 get a piece of that money, right?
3 A. Yes.
4 Q. When were you retained by Janet Arvizo?
5 A. Do you mean when a fee agreement was signed?
6 Q. Yes.
7 A. Well, there are a couple of different ones,
8 and they were both around March 24th, 2003.
9 Q. Was that the first date you met her?
10 A. No. We met February 21st.
11 Q. And who was at that first meeting on
12 February 21st?
13 A. Mr. Masada, Ms. Arvizo, I was, and I think
14 the three children were there, maybe in and out. I
15 believe I met them there, but I don't think they
16 were in on the meeting.
17 Q. Why was Masada in the meeting?
18 A. Well, Mr. Masada was the one who had brought
19 the people to me, and my understanding was that
20 there was no way that they were going to talk to me
21 without him there.
22 Q. Okay.
23 A. He was greasing the rails, as it were, to
24 get them to trust me enough to talk to me. They had
25 no reason to talk to me otherwise.
26 Q. Okay. And you had represented Masada for
27 many years, correct?
28 A. Yes. 4331

Q. And how many years had you represented Jamie Masada at the point where you first met the Arvizos?
A. I think I began representing Mr. Masada in 1991. Perhaps 1990. So that would be about 12 years.
Q. Had you represented Mr. Masada in any lawsuits?
A. Yes.
Q. How many?
A. I couldn't tell you precisely.
Q. How about generally?
A. Fewer than ten. Between five and ten, probably. I shouldn't say that. I represented him in many matters. How many have been lawsuits, I can think of three off the top of my head. So there were probably five.
Q. Approximately five civil lawsuits?
A. I would say so.
Q. Okay. And are you a civil litigator?
A. Yes.
Q. Do you litigate civil suits from start to finish?
A. Yes.
Q. And would that mean that you will litigate the case either to a settlement or a trial?
A. Which case? You mean generally speaking?
Q. Yes.
A. Yes. 4332

Q. Now, you've indicated you represented Mr. Masada in matters other than the civil lawsuits you've just described, right?
A. Yes.
Q. Generally, what did those matters entail?
A. Business matters, generally speaking.
Q. Would you consider yourself to be Mr. Masada's principal business lawyer?
A. Well, he has told me I am. From time to time he's had me coordinate everything, so, yes.
Q. And would that mean you draft documents for Mr. Masada?
A. I have done that. I'm not a transactional attorney, so if there's something major to draft that does not involve litigation, probably not.
Q. Do you often attend business meetings involving Mr. Masada?
A. No.
Q. Do you draft articles in the corporation for Mr. Masada?
A. No. When I say "business attorney," I'm assuming that you mean handling business litigation for him.
Q. Oh, okay. Do you typically write business letters for Mr. Masada?
A. I don't know what you mean by "typically." I have done so.
Q. Okay. Are they typically litigation-type 4333

letters or something else?
A. Both.
Q. Okay. So you do both civil litigation for him and you give general business advice, right?
A. A little of the latter.
Q. All right. And at the time you first met the Arvizos, you had represented Mr. Masada for approximately 12 years, correct?
A. On and off, yes.
Q. Are you the lawyer for The Laugh Factory?
A. I don't know what that means.
Q. Do you do legal work for The Laugh Factory?
A. I have.
Q. Okay. What kind of business claims have you handled for Masada?
A. Well, I think that's attorney-client privilege, and since he hasn't waived the privilege, I really can't go into specifics.
Q. Let's refer to filed documents, pleadings with the civil court. What kinds of lawsuits have you represented him in?
MR. ZONEN: I'll object as exceeding the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did the Arvizos retain your services or did Mr. Masada?
A. The Arvizos.
Q. Okay. And would it be correct to say that 4334

1 at the time you were representing the Arvizos, you
2 were also representing Masada in other matters?
3 A. Yes.
4 Q. Now, the documents the prosecutor has given
5 you in the form of exhibits in no shape or form come
6 close to the number of letters you sent or received
7 on behalf of the Arvizos, correct?
8 A. Not correct.
9 Q. Well, are they all of them?
10 A. No.
11 Q. On March 27th, you sent a letter to the
12 executive vice-president and general counsel of Walt
13 Disney & Company, correct?
14 A. I don't recall.
15 Q. Would it refresh your recollection if I just
16 show you a copy of the letter?
17 A. It might.
18 MR. MESEREAU: May I approach, Your Honor?
19 THE COURT: Yes.
20 THE WITNESS: Yes, that's a copy of a letter
21 I wrote.
22 Q. BY MR. MESEREAU: Does that appear to be the
23 first letter you ever sent on behalf of the Arvizos;
24 do you think?
25 A. If that's dated March 27th, I think the 26th
26 to Geragos is the first one. Actually, I'm not --
27 excuse me. There were a number of letters written
28 with regard to the "Living with Michael Jackson" 4335

show --
Q. Okay.
A. -- that may have been well before that. I don't know. If you show them to me, obviously I did.
Q. But they retain you on the 24th, and you sent a letter to Mark Geragos on the 26th, right?
A. Well, when you say "retain," they signed an agreement on the 24th. As I said, they may have signed -- they did sign one earlier that covered different matters. And that's just the formal retaining. That doesn't mean I wasn't their attorney. I was their attorney, as far as I understood, whenever they were talking to me about these matters, whether they signed an agreement or not.
Q. Now, without going into any attorney-client privileged information, which is obviously confidential, when you wrote a letter to Geragos on the 26th, which is two days after you were retained, the basis for your information in the letter had to have been your client, correct?
A. Yes.
Q. And you suggested in the letter that Mr. Jackson had relentlessly hounded and harassed the children, right?
A. Yes.
Q. You never witnessed that yourself, correct? 4336

A. Correct.
Q. You said that Mr. Jackson had hounded,
harassed the mother almost daily since they left
Neverland, correct?
A. Yes.
Q. You never witnessed that. You just wrote a
letter based on the information given to you, right?
A. Yes.
Q. You suggested that Mr. Jay Jackson had been
harassed, correct?
A. Can you point me to where I said that?
Q. Sure. Right in the middle of that Paragraph
No. 1.
A. Yes.
Q. Was Jay Jackson your client at the time?
A. No.
Q. You suggested in the letter to Mr. Geragos
on March 26th that there had been banging on the
Arvizo's door at all hours, correct?
A. Yes.
Q. And certainly you never personally witnessed
that, right?
A. Right.
Q. That came from your discussions with your
clients, right?
A. Right.
Q. You said disturbing notes had been left,
correct? 4337

A. Are you in the same paragraph?
Q. Yes. A little further down.
A. Yes.
Q. And that information came from your clients, correct?
A. Yes.
Q. You said on March 26th, your clients believed that Mr. Jackson was illegally eavesdropping on their phone conversations, right?
A. Yes.
Q. And it was your understanding they weren't living at Neverland at the time, right?
A. Right.
Q. That information, of course, came from your clients, right?
A. Right.
Q. At no time in that letter to Mark Geragos of March 26th did you ever mention anything about child molestation, right?
A. Right.
Q. Now, you talked about wanting passports and visas returned, correct?
A. Yes.
Q. And at some point you learned that Mr. Geragos had turned the passports in to this court, correct?
A. I think so. But that might have been a few weeks ago. Or even last week. I don't even know 4338

how I learned about it, but --
Q. But you heard about it at some point, right?
A. I think so. It rings a bell.
Q. That Mr. Geragos had arranged to deposit those passports in this courthouse?
MR. ZONEN: I don't know that this witness has personal knowledge. Lack-of-foundation objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Nowhere in this letter of March 26th that you wrote to Mr. Geragos on behalf of the Arvizos is there any mention of alcohol, correct?
A. Correct.
Q. And you ask for a return in the last paragraph of the papers they have signed, including passport and visa applications, correct?
A. Not in the last paragraph of the letter.
Q. Paragraph No. 2 on the first page, which is the very bottom.
A. Oh.
Q. I'm sorry. I should have said the first page.
A. Yes.
Q. Was it your understanding they had signed passport and visa applications?
A. I did not know about anything that they had signed other -- I didn't know about whether they had 4339

signed passports or visa applications.
Q. Well, you asked for signed documents in connection with a legal action in Britain concerning "Living with Michael Jackson," right?
A. Yes, but that wasn't passports or visas.
Q. Was it your understanding that the Arvizos had signed documents involving the show "Living with Michael Jackson"?
A. There was one document that purportedly had been signed, that I was aware of, by Miss Arvizo with regard to that action in Britain.
Q. Now, in this letter of March 26th to Mr. Geragos, there is no mention of the Arvizo family ever being falsely imprisoned, correct?
A. I believe that's correct.
Q. And in this letter of March 26th to Attorney Mark Geragos, there's no mention of the Arvizo family ever being kidnapped, correct?
A. Correct.
Q. In this letter of March 26th, 2003, to Mr. Geragos that you wrote, there's no mention of any extortion, right?
A. I believe that's correct. I haven't read this word for word, but it sounds right.
Q. Okay. When you sent this letter to Mr. Geragos on March 26th, 2003, two days after you had been retained by the Arvizos, did you ever call the police to complain about false imprisonment, 4340

kidnapping, molestation or alcohol?
A. No.
Q. Now, you asked for the return of personal property to the Arvizos in this March 26th, 2003, letter to Geragos, right?
A. Yes.
Q. And your understanding was that this personal property was stored somewhere, correct?
A. Yes.
Q. How did you know it was stored somewhere?
A. I don't recall specifically how I learned -- well, without violating the attorney-client privilege, I really can't go into it more.
Q. Okay. Okay. But clearly the letter says you want the keys to all locations and facilities in which this property has been stored, right?
A. Where are you?
Q. Page two, the very beginning.
A. Yes.
Q. Okay. Now, in this letter you wrote on March 26th, you said that your clients wanted copies of all tapes, films, audio recordings, photographs, images on film, et cetera, of your clients, the Arvizos, correct?
A. Yes.
Q. And the reason for that was, you, as their lawyer, thought that any tapes or recordings of the Arvizos may have monetary value, correct? 4341

A. Well, that gets into the work-product doctrine, my opinions and thoughts, and I'm not waiving that.
Q. Okay.
A. So I can't tell you what I was thinking or why I was thinking it.
Q. But you wanted the tape or film of the Arvizos that was made in the home in the San Fernando Valley within the last two months, right?
A. Yes.
Q. Okay. Have you ever seen that?
A. No.
Q. All right. You also wanted Mr. Geragos, in your letter of March 26th, 2003, to provide you with any releases that may have been signed by any Arvizo concerning the show "Living with Michael Jackson," right?
A. Yes.
Q. And please tell the jury what you meant by "release" in that letter of March 26th.
A. Well, typically before a production is mounted, whether it's television or movies or anything that depicts an individual -- I shouldn't say "generally." Very often, if people are smart, they get a release from the person who's the subject of the show, and that then protects the producers and everybody else involved with the show from liability from the individual who is depicted. 4342

Q. Was it your understanding releases had been signed?
A. It's my understanding that some releases, some purported releases, had been signed for some purpose.
Q. Okay.
A. Some --
Q. And you wanted those back, right?
A. Yes.
Q. Okay. You made a statement that the Arvizos were hereby revoking any release they had signed in favor of Mr. Jackson, right?
A. Yes.
Q. And you were making a claim that any such release was obtained by fraud or undue influence, correct?
A. Well, more fully, undue influence, fraud, misrepresentation, false pretenses and/or duress.
Q. Okay. But you mention specifically the word "fraud," don't you?
A. Yes.
Q. Now, as a civil litigator, you're aware of how long one has to file a fraud claim against someone else in a civil suit, correct?
A. Yes.
Q. And what I'm referring to is what is called a statute of limitations, correct?
A. Correct. 4343

Q. What is the statute of limitations for filing a claim for fraud in civil court?
A. Three years from the fraud or from the time that the plaintiff should have known about it.
Q. And based on the date of your letter, Janet Arvizo would have till approximately some date in 2006 to file a fraud claim against Mr. Jackson if she chose to, correct?
A. I don't know. I don't know when the actionable events would have occurred or what exactly the fraud action would have involved.
Q. Well, you refer to fraud, correct?
A. Correct.
Q. You refer to fraud in a specific context, correct?
A. Right.
Q. The context in which you refer to fraud is a suggestion that any releases signed were fraudulently induced, true?
A. Right. So it would be three years from the fraudulent inducement or the time when the plaintiff should have discovered it.
Q. Okay. And you threaten Mr. Geragos with a civil restraining order, true, in the last paragraph?
A. Well, I wouldn't say "threaten." I say that this is what we intended to do.
Q. Did you ever do that? 4344

A. It wasn't against Mr. Geragos.
Q. It involved Mr. Jackson, true?
A. Yes.
Q. You were threatening to seek a civil restraining order against Mr. Jackson, correct?
A. I'll take issue again with your description of "threat."
Q. Well --
A. But we don't need to quibble about that. I suppose that's essentially true.
Q. When you used the following words, "His failure to heed this demand will force my clients to seek a civil restraining order and perhaps to vindicate their rights in other legal ways," that was a form of a legal threat, wasn't it?
A. All right.
Q. You said if the items weren't returned by April 1st, 2003, you would seek a civil restraining order, right?
A. No, there is not a restraining order with regard to return of items. The restraining order would only be related to the improper conduct, the harassment, the intimidation.
Q. Okay. Did you ever seek that civil restraining order?
A. No.
Q. You have told the jury that along with communicating with Mr. Geragos about your clients' 4345

allegations of misconduct by Mr. Jackson, you were also writing to other parties about the Bashir documentary, true?
A. Right.
Q. And who were those parties?
A. Generally speaking, they were the parties that were producing, broadcasting and other ways exploiting the show "Living with Michael Jackson."
So there was ABC, and I think Disney is ABC's parent, and the National Enquirer's parent company, I think it's American Media. There was, as I noted before, the communications with Mr. LeGrand, who was Mr. Jackson's attorney supposedly with regard to the British action. I think there were -- I know there was some communication with FOX about a subsequent production after "Living with Michael Jackson."
Various media outlets.
Q. Now, the day after your first letter to Mr. Geragos on March 26th - and I'm referring to March 27th now, okay? - you wrote a letter to the executive vice-president, general counsel of Walt Disney, true? That's the letter I just showed you.
A. Well, I don't recall specifically who it was written to, but I did write to Disney.
Q. And you asked them to let you know when your clients had given any legal consent to use the footage of the Arvizos in the film "Living with Michael Jackson," right? 4346

A. Without having a copy of the document, I can't vouch for what you're saying.
Q. Would it refresh your recollection if I show you the letter again?
A. Most certainly.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at the letter?
A. I briefly saw what you pointed out in the paragraph.
Q. Does it refresh your recollection of what you wrote in the letter on March 27, 2003, to the Walt Disney company?
A. Yes.
Q. You asked them to please let you know whether such legal consent, for example, via release, was in fact given to ABC, or Granada, or anyone else involved in the program, right?
A. Yes.
Q. At that point you didn't know whether they had given releases or not, true?
A. I didn't know, that's correct.
Q. On March 31st, 2003, you did a memo to your file about a phone call from Mark Geragos, right?
A. I don't recall the date, but I know there was a typed memo to the file about a conversation 4347

with Mr. Geragos.
Q. And that's when you -- excuse me, let me rephrase that.
In that call to Mark Geragos that's referred to in that memo, you talk about him telling you he thinks there either is a vault or two of storage with the contents of the Arvizos' property, right?
A. If you give me a copy of that, or give me a moment to try to dig up my own, I will be able to answer that.
Q. I can show it to you, if it's easier.
A. It will be a little quicker.
MR. MESEREAU: May I approach, Your Honor? Thank you.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to review that memo?
A. Yes.
Q. Does it refresh your recollection about the phone call with Mr. Geragos?
A. Not really. It refreshes my recollection as to the memo that I typed or had typed after the conversation.
Q. Well, according to your memo, you said Mr. Geragos told you he thought there were passports, true?
A. Yes.
Q. According to your memo, Janet Arvizo told 4348

you the harassing behavior had just stopped, correct?
A. I really need to see that again, or I have to find my own copy.
Q. I can show you mine, if you want.
A. Okay.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you taken a look at the memo?
A. Yes.
Q. Does it refresh your recollection about your discussions with Mr. Geragos?
A. It refreshes my recollection of the memo. I don't recall specifically having the contents of the conversation. It was a long time ago.
Q. Was it your understanding that Janet told you that the harassment had just stopped?
A. If it says that there, then, yes, it did. She did.
Q. Well, it says that there, doesn't it?
A. Yes.
Q. Okay. All right. You talked to Mr. Geragos about the passports in a phone conversation, correct?
A. Yes.
Q. And he told you he thought they existed, 4349

right?
A. Yes.
Q. You also asked him how to get in touch with Bashir, correct?
A. Yes.
Q. And he said he would try to help you do that, right?
A. Can you quote that language? I know he mentioned something about Granada.
Q. "I also asked him about Granada, whether he could find out how to get in touch with Bashir. He said he thought it was Granada Productions, and I told him I knew of Granada Television and Granada LPC." Okay?
A. Yes.
Q. "He said he would try to get me a sheet showing the proper company," right?
A. Okay.
Q. How would you describe your relationship with Mr. Geragos at this point?
A. That was March 27th?
Q. Yes.
A. Well, at that point he had not turned hostile.
Q. Okay.
A. So I would say it was just a regular old relationship with opposing counsel.
Q. At what point do you think he turned

hostile?
A. Well, he didn't respond to any of the requests, except in that phone conversation where he -- whatever he said about the passports. He never returned anything. He didn't respond to letters. You go through these letters and I keep on recounting, "I've written to you this date, this date, this date, this date. Every time I've asked you, say, 'Please return these things, you don't respond, you don't give them to me, you don't give me the contents of the storage. There's no reason not to return the passports, the visas, the birth certificates. You can get those to me right away."
And then especially when he pulls this shenanigan of having the items delivered to my office -- not "the items," but apparently two vaults of furniture in boxes and whatnot that I had specifically never asked to have returned on a date that anybody who had called my office would know I wasn't going to be there, when we had no arrangements whatsoever. And then he has the nerve to write me later on that I had given consent somehow, which of course I never had. That was probably long past the time where I thought he had turned hostile.
But obviously he wasn't responding, and it was very surprising to me to have a lawyer of 4351

supposedly his caliber being such a hostile and oppositional, adversarial person, when there was really nothing at that point that I knew to be adversarial about.
Q. What you're telling the jury is that a truck came to your office or somebody had been instructed to deliver the things that you requested and nobody would accept them at your office, right?
A. I wasn't there. All I know is what the manager of the facility told me.
Q. Okay. And what you learned from the manager was that a truck of furniture and goods arrived, and that nobody would accept them, true?
A. Yes.
Q. Now, in all of these conversations you had with Mark Geragos on behalf of the Arvizos, at no time did you mention to him anything about child molestation, correct?
A. Well, I don't think I had more than one or two conversations.
Q. And you never mentioned anything about child molestation, correct?
A. That's correct. That wasn't the purpose of the communication.
Q. You never mentioned anything about wine allegedly being given to any of the Arvizo children, correct?
A. Correct. There was no reason to do that. 4352

Q. The prosecutor, on direct examination of you, talked about your writing letters to England, correct?
A. Yes.
Q. And you started communicating with a company called Granada Television, Ltd., around April 3rd, 2003, right?
A. Yes.
Q. And you wrote to that company to tell them that they were not to use any film footage or likeness of the Arvizos without their consent, right?
A. Without providing valid consents, as I had described previously in the letter.
Q. And in that letter, you said your clients had advised you they never signed any consent form, right? This is a letter of April 3rd, 2003, to Granada Television, Ltd.
A. I'm looking at the letter.
Q. Okay. If you don't have it, I can show it to you.
A. I've got it.
That's correct.
Q. You didn't want them taping, filming, interviewing, exhibiting, selling, licensing or exploiting any of the footage involving the Arvizos, correct?
A. With regard to "Living with Michael 4353

Jackson," that's correct.
Q. Yes. Your position was that any such footage was owned by your clients, and if it had any value, that they owned that value, right?
A. No, my position was that they had not given their consent to be either taped, filmed, broadcast or exploited in any other way.
Q. You --
A. And we were seek --
Q. Excuse me. Sorry.
A. The purpose of all these communications with regard to "Living with Michael Jackson" was to stop the exploitation of the Arvizo family.
Q. You wanted any footage returned to you, right?
A. I don't see in this letter requesting that anything be returned.
Q. Do you ever recall requesting that any footage or photographs of the Arvizos be returned to you?
A. I think I wrote something to that effect in the letter to Geragos on March 26th like we just discussed. I may have later on to somebody else, but certainly didn't in this April 3rd letter to Granada.
Q. Did you want Mr. Geragos to deliver items to your office?
A. Yes. The passports, the visas, the 4354

clothing, the birth certificates.
Q. How about furniture?
A. No. Never asked him. Never arranged for it. We never discussed it.
Q. Are you saying that the Arvizos had no problem with the furniture remaining in storage as long as Mr. Jackson was paying for it?
A. Well, it was unknown to me who was paying for it. It was unknown where the -- to me, where these things were stored. And by far, as indicated in these letters, the most important thing to be returned were the passports, visas, birth certificates, Gavin's undergarments, his tap shoes, and the other items that I specified in letter after letter, and we can go through each of those letters if you want to see me specifying them, over and over and over again, asking for only those items. And as to the materials, the items that were stored, asking for a list of items that were stored, information as to where they were stored, who had the key, who had control, so that we could dispose of those items as my clients wished.
Q. And your client, Mrs. Arvizo, told you she had very little furniture that anybody could have taken, correct?
A. Again, I -- she hasn't waived the attorney-client privilege, so for me to say anything that isn't in these letters would be beyond what I'm 4355

ethically and legally allowed to tell you.
Q. Well, if there is a privilege that you were honoring, why did you write on April 8th the following to Mr. Geragos: "She tells me that contrary to what you said about there being a truckload, she had very few possessions, since she lived in a bachelor apartment. She does not believe that much, if any, furniture was removed"?
A. Well, to write a letter to an attorney is not a violation of the attorney-client privilege. Otherwise, one lawyer could never write a letter to another lawyer making any demand on behalf of his client, because then you'd be waiving the attorney-client privilege, which I cannot. It's impossible for me to waive her privilege. And in order to get things done, obviously I've got to describe certain things that I'm told, otherwise there could be no communication.
Q. You wrote a letter to Mr. Geragos on April 3rd, 2003, correct?
A. Yes.
Q. In that letter, you never mention anything about molestation, correct?
A. That's correct. The only purpose of the letter was to get the items that I had written about before.
Q. In the April 3rd letter, 2003, you mention nothing about alcohol, correct? 4356

A. That's correct.
Q. You mention nothing about false imprisonment, correct?
A. Correct.
Q. You mention nothing about any alleged kidnapping, correct?
A. That is correct.
Q. You mentioning nothing about any alleged extortion, correct?
A. Correct.
Q. And as of April 3rd, 2003, you have never called the police on behalf of the Arvizos, correct?
A. Not correct.
Q. You didn't call the police to report false imprisonment, molestation, or extortion?
A. That's not what you asked. You'd asked if I had ever called the police.
Q. When did you call the police?
A. I was interested to find out what was happening with the investigation, and I called, I guess it was the sheriff's office, spoke to -- I don't know. I know I called. I don't know if I spoke to Sergeant Robel.
Q. Not during this time period, sir.
A. No. I never called the police to report anything about the Arvizos.
Q. You're talking about calling the police at a much later date to find out about this case, 4357

correct?
A. Right. But your question wasn't limited,
and I wanted to make sure that I'm exactly accurate,
to the extent that I can.
Q. When did you call Mr. Robel, if you know?
A. It seems to me it was sometime after June
'03. Maybe October.
Q. October of 2003?
A. Maybe June, maybe October. I know I've
produced for subpoena a sheet of something regarding
a phone call to him.
Q. And this would have been after you entered
into a legal fee arrangement with Attorney Larry
Feldman, correct?
A. Yes.
Q. Approximately when did you enter into the
fee arrangement with Attorney Larry Feldman?
A. Probably early May.
Q. So you enter into a fee arrangement with
Attorney Larry Feldman in May, and possibly a month
later, you called the sheriffs to find out about an
investigation; is that correct?
A. I -- I should probably take back the "June."
I recall, I think October. But you've got the
notes. So if it's June, it's there.
Q. Okay. But right now we're on April 3rd.
A. Let me clear up something, though, if I
might. I don't know what the significance is of a 4358

fee arrangement with Larry Feldman. I previously had fee agreements with the Arvizos that were substantially more lucrative to me than they were later on, and what they did was they retained both of us. It was not they retained Feldman, who then agreed to give me a share of whatever recovery there was.
Q. Up to this very date, as you sit here today, you have a fee arrangement with Mr. Feldman, as you testified, correct?
A. As far as I'm concerned, yes.
Q. Okay. You then wrote a letter to Mr. Geragos on April 8th, 2003, correct?
A. Yes.
Q. Again, you discussed your clients' possessions, right?
A. Yes. And other things as well.
Q. You talk about allegations of harassment, correct?
A. Right.
Q. You say that the harassment has not ceased, correct?
A. Yes.
Q. But in your internal memo to yourself of March 31st, 2003, you say that Janet has told you the harassment has ceased, right?
A. As of that day, she said she was no longer being harassed. I guess it picked up after that, or 4359

1 it was a lull in the harassment.
2 Q. You just got that information from Janet,
3 true?
4 A. Just got what information?
5 Q. The information about harassment resuming
6 comes from Janet, correct?
7 A. Perhaps other of the family as well.
8 Q. And nowhere in that letter of April 8th,
9 2003, do you mention molestation, correct?
10 A. I think I can short-circuit this. I never
11 mentioned molestation, kidnapping, alcohol or any of
12 those.
13 Q. False imprisonment?
14 A. Or false imprisonment to Mr. Geragos. That
15 was not the purpose of any of these letters. All of
16 these letters were for the purpose of him getting
17 things back to my clients and stopping the
18 harassment.
19 Q. So in all of these letters, you represent --
20 excuse me, you identify various claims against Mr.
21 Jackson, like harassment, and wanting property
22 returned, and not wanting unauthorized use of the
23 Bashir material, but in none of them do you mention
24 the things I've just described, molestation,
25 alcohol, false imprisonment, extortion, kidnapping,
26 correct?
27 A. I've just said that.
28 Q. Okay. When you mentioned requests for 4360

clothes, you're talking about shirts, tap shoes, underwear, socks, et cetera, right?
A. Yes.
Q. Obviously, you're told by your client that that stuff's missing, right?
A. Right.
Q. When you were retained by the Arvizos, was it your understanding that there was litigation going on in Great Britain?
A. Well, I don't know exactly where, if that is on the timeline. Assuming that February 21st is when I was first retained, because I was, according to my understanding of the law, their attorney when they came to talk to me on that date, I'm sure I did not know -- I shouldn't say "I'm not sure" -- I shouldn't say "I'm sure." I don't know. I don't recall being told about it.
Q. You were considering filing a lawsuit on behalf of the Arvizos against various studios, if necessary, right?
A. Well, again, that goes into the attorney work product, which is privileged from discovery, and so I guess I should decline to answer that.
Q. Well, you wrote to ABC in New York on behalf of the Arvizos on April 11, 2003, correct?
A. I don't know.
Q. I can show you the letter, if it's easier.
A. Sure, why don't you. 4361

MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that letter?
A. Yes.
Q. Is that a letter you wrote to a lawyer in ABC in New York named Zucker?
A. Yes.
Q. That was on April 11th, 2003, correct?
A. I didn't look at the date, but if you say so, that's fine.
Q. You made the statement, "My clients do not wish to make a claim against ABC if one is not founded," right?
A. Right.
Q. That means they were contemplating making one if it had any justification, correct?
A. Right. And that claim was to get Gavin's face off television and other media, to stop the exploitation.
Q. You wrote to Mr. Geragos again on April 11th, 2003, right?
A. Yes.
Q. The subject of that letter is your desire that no footage involving the Arvizos be used by anyone associated with Michael Jackson, right?
A. Well, it was with regard to a contemplated 4362

program by FOX.
Q. How did you learn that FOX was going to broadcast something about Michael Jackson?
A. I don't recall.
Q. But what you told Mr. Geragos was that if there was any such program, they were not to use your clients' footage without their consent, right?
A. No. It said that there was no consent and therefore they may not use that footage.
Q. The reason for all of this, Mr. Dickerman, was the Arvizos wanted to be paid if the footage was used, right?
A. I can't say what was in their head. That was never communicated to me --
Q. Okay.
A. -- ever, under any stretch of the imagination.
If -- I'll tell you, if I thought so, I would have been demanding money. I would have said, "Give me a call, and let's talk about what can be done," or we would have had a phone conversation. If you want money, this is not the way to go about it.
Q. Mr. Dickerman, the way to go about getting money is to tell people not to use the footage and start the process of negotiation right there, correct?
A. That's not the way that I would do it. 4363

Q. Okay. All right.
A. Especially with a fellow who was as hostile as Mr. Geragos was. That's not at all how I would do it.
Q. But you were writing to other lawyers around the country, including Mr. Zucker in New York, and lawyers in England, and lawyers in Los Angeles, in Burbank, right?
A. I did write to other lawyers. But I can tell you this: There was never a request for money. And the reason there was no request for money is because I was never told -- in fact, much to the contrary. I was never told to seek money for any purpose from anyone with regard to Michael Jackson, period.
Q. Did Mr. Masada, your client for many years, ever say words to the effect to you, "They're making millions and these poor people are getting none of the money"?
A. I don't recall.
Q. Okay. But obviously he's the one that brought them to you, right?
A. I don't know what you mean by "obviously," but Mr. Masada brought them to me, yes.
Q. Okay. All right. You got a letter from Mr. Geragos on April 15th asking you where to deliver the items in storage, right?
A. Yes.

Q. At that point you certainly knew they were in storage, correct?
A. I knew that he was saying that they were in storage.
Q. Well, were you representing Jay Jackson at this point?
A. No.
Q. On April 16th, Mr. Dickerman, you wrote to the head of legal affairs at Granada Media Group in England, correct?
A. Yes.
Q. You continued to complain about use of the footage involving the Arvizos, correct?
A. I wouldn't say "complain." I set forth the facts, drew conclusions and made a suggestion to Granada that their position was not right, and demanded that they cease and desist using "Living with Michael Jackson," et cetera.
Q. Now, you also wrote to the Globe newspaper on behalf of the Arvizos, correct?
A. Sounds familiar.
Q. You complained about their taking photographs of the Arvizos, right?
A. I don't recall specifically what I said in the letter. But if you show me the letter, I can answer the question.
Q. I don't have that letter, but I have their response to you. Do you have your letter you wrote 4365

regarding the Globe newspaper?
A. Give me a minute or two. I --
Q. Yes.
A. What's the date?
Q. I have a letter from them of April 16th, 2003. It references a letter you wrote to Michael Kahana, Esquire.
A. That letter sounds familiar, and I don't seem to be able to put my hands on it.
Q. Were you claiming that the Arvizos had a copyright interest in photographs taken of them that appeared in the media?
A. I don't know. Depends on what the letter said.
Q. Okay.
A. I do recall writing to, I thought it was either The Globe or The National Enquirer regarding a photograph of Janet Arvizo that I believe to have been improperly obtained and published.
MR. ZONEN: May I have a moment with counsel?
THE COURT: Let's take a break.
MR. MESEREAU: Oh.
(Recess taken.)
THE COURT: You may proceed.
MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Dickerman, Larry Feldman is known as one of the -- 4366

THE BAILIFF: Can you turn your microphone on?
MR. MESEREAU: Sorry. Sorry. Let me start again.
Q. Mr. Dickerman, Larry Feldman is known as one of the top plaintiff's civil litigators in America, correct?
A. I don't know about America, but I would say certainly California.
Q. And typically, a plaintiff's civil litigator will file a lawsuit on behalf of a plaintiff, correct?
A. Yes.
Q. And try to seek damages -- excuse me, try to seek monetary damages in that lawsuit, right?
A. Yes. But I should say, while he's known as a plaintiff's lawyer, I know him also to have defended major lawsuits, and he's now with a major New York firm, so he is certainly doing a lot of defense work.
Q. He started doing a lot of defense work in recent years, did he not?
A. I don't know.
Q. But he became very well known in Los Angeles for winning huge financial damage awards in civil cases, correct?
A. I would say that's probably true.
Q. A lot of them were types of personal injury 4367

cases, correct?
A. I don't really know, beyond the '93 case, and I've been reading his name, and I think he was the -- the president -- I don't know if it was California State Bar or the L.A. County Bar. I don't know the specific cases. I know of one railroad case that was a big deal, but -- if I were -- if my memory were refreshed, I would know some of these other cases. But offhand I don't.
Q. Typically in a plaintiff's civil case, the lawyer gets a percentage of whatever the lawyer recovers for the client, correct?
A. Only if it's a contingency case. If that's the arrangement, for a percentage. That's typical in auto accident cases. It's typical in other accident cases usually.
I can't say what's typical in a molestation case, or any other particular case. It just depends on whether the plaintiff has the money to pay the fees or prefers to go on a contingency.
Very often I have turned people away from contingency fees, because I tell them, "You got a strong case and you're going to be very unhappy if you pay me a percentage after I don't do $100,000 worth of work. You're better off, if you got the money, to pay me hourly to do that." And so it varies from case to case.
Q. If the client doesn't have a lot of money to 4368

pay the lawyer in a plaintiff's civil case,
typically what the lawyer does is pay the costs,
litigate the case, and if money comes in, either
through a settlement or a judgment in a trial, the
lawyer gets a percentage of that recovery, right?
A. That's right.
Q. And even though you're aware of Mr. Feldman
doing defense work, you're also aware of him
pursuing large multi-million-dollar damage claims on
behalf of civil plaintiffs, correct?
A. Yes.
Q. And you're aware of him doing that on behalf
of plaintiffs who can't afford to pay legal fees,
correct?
A. I don't know. I don't know who pays him
what or how it's done.
Q. Now, you produced some handwritten notes,
which you were subpoenaed to produce in this case,
true?
A. Yes.
Q. Some of the notes you produced mention the
J.C. Penney case, right?
A. I know at least one of the pages says that,
yes.
Q. Were you involved in the J.C. Penney
litigation on behalf of the Arvizos?
A. Not at all.
Q. Okay. Do you know why you refer to the J.C. 4369

Penney case in your notes?
A. Do you want to refer to some specific notes?
Q. I have a page I can show you.
A. I've got my originals here of a conversation that I had with Mr. Sneddon on January 9th. Is that the one you're referring to?
Q. I think it's more like January 8th. It says "Liebler" in the corner.
A. Well, at the top of that previous page it says 1-8, but near the middle it says 1-9. So I'm assuming that's a conversation I had on the 9th.
Q. To your knowledge, had the J.C. Penney case concluded by the time you were hired?
A. I know nothing about the J.C. Penney case. I know it arose, there was some conversation about it, and I have no involvement in it. It seems to me that it resolved some time ago. I don't know. One, two years or more. I don't know.
Q. Was it your understanding that that was a plaintiff's contingency fee case where the lawyer gets a percentage of the recovery?
A. I have no idea what their fee arrangement was.
Q. Okay. When was the last letter you sent Mark Geragos regarding the Arvizos?
A. Well, if Exhibit 625 has all my letters to Geragos, that would be May 29, 2003.
Q. And you continued to communicate with 4370

Michael Jackson's lawyer named David LeGrand, correct?
A. Yes.
Q. And your letters to David LeGrand went through July of 2003, correct?
A. I don't have the date memorized. But if you've got a letter that says that, then that would be the case.
Q. I have a letter July 9th. Do you want to see that?
A. I have a letter of July 9th from him. I don't know if I wrote to him after that or not.
Q. Okay. You're continuing to write letters on behalf of the Arvizos through July of 2003, right?
A. Yes.
Q. And to make a long story short, none of your letters ever discussed the subjects I identified before, molestation, false imprisonment, kidnapping, harm to children, that kind of thing, correct?
A. They never did. That wasn't the purpose of any of the communications. All these communications were for the purpose of getting things done, not for making allegations about something that would be handled in some other form.
Q. Well, you mentioned harassment in some of your early letters, correct?
A. Right.
Q. But you never mentioned anything about 4371

1 alcohol in any of them, correct?
2 A. Well, first of all, the Arvizos were gone
3 from Neverland by March 26th, is my understanding.
4 And the letters regarding humiliation, intimidation,
5 surveillance on March 26th and thereafter was about
6 continuing behavior after they left Neverland.
7 Q. Okay.
8 A. I was writing -- seeking for him to get
9 Jackson and his people to stop doing what they were
10 doing. To do affirmative things. Stop, return
11 things, provide lists. Not to make allegations of
12 things that Geragos would have nothing to do with in
13 any event.
14 Q. Was it your understanding at some point that
15 furniture and material was returned to the Arvizos
16 by Brad Miller?
17 A. I -- I don't have any personal knowledge of
18 any return of those things.
19 Q. Did you ever see a receipt from a storage
20 locker?
21 A. I don't recall seeing one.
22 Q. Was it your understanding that while you
23 were representing the Arvizos, Mr. Geragos paid rent
24 for the Arvizos in East Los Angeles?
25 A. I have no such understanding.
26 Q. Did you ever hear anything about that?
27 A. About Geragos paying rent?
28 Q. Yes. 4372

A. No.
Q. Did you ever hear about anybody associated with Mr. Jackson paying the Arvizo rent in East Los Angeles?
A. I don't recall hearing of any such --
Q. Did you ever communicate about that to anybody?
A. To the extent that I communicated about anything with my clients, that would be protected by attorney-client privilege. But I don't recall communicating about that with anybody else.
Q. Have you referred any clients to Mr. Feldman since you referred the Arvizos?
A. No.
Q. When did you last talk to Mr. Feldman about this case?
A. Yesterday.
Q. Did you talk about what you were going to say in court?
A. No. I think all we talked about was whether Miss Arvizo had waived the attorney-client privilege.
Q. And that discussion was yesterday?
A. And I think we said something about the -- about the fee arrangement. Specifically I can't recall. I was sitting upstairs, and I was returning calls from the office.
Q. Now, as a civil litigator, you're aware that 4373

if you obtain a criminal conviction in a case of alleged child molestation, any parallel civil case is automatically won on liability, right?
A. Actually, I've heard that recently. But not having ever been involved in such a case, I can't say that I know that for sure. I haven't researched the law on it.
Q. But you certainly know that if someone has a judgment of a criminal conviction against them for sexual assault, you can use that in a civil court to establish liability and not have to incur the expenses and the time involved in a trial on liability, right?
A. I would assume that to be the case.
Q. The only issue at that point would be how much money you get in a civil courtroom, correct?
A. I don't know if there are other issues, but I think as the judgment, that's true of any criminal action, that you don't then have to go, once again, and prove exactly what was proved with a higher burden of proof.
MR. MESEREAU: No further questions, Your Honor.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Mr. Dickerman, before we took the break, Mr. Mesereau had asked you about a letter that you had 4374

sent to Michael Kahan, or Kahana, and we took the break and we came back and he didn't follow up on that document.
Have you had a chance to see that document dated April 3rd, 2003?
A. I did. I found it in my file.
Q. Mr. Dickerman asked you if, in fact, you made a demand for royalties for photographs published in the Globe; is that correct?
A. Do you mean Mr. Mesereau?
Q. I'm sorry, Mr. Mesereau asked that of you.
A. I don't recall if he asked that or not.
Q. Did you, in fact, make a demand for royalties in this letter?
A. No, I -- I -- I never made a demand for money on behalf of the Arvizos in any letter, in any communication, for any purpose under the sun.
Q. What did you ask the Globe newspaper to do in this case? I'm assuming the Globe is a newspaper.
A. Yeah, it's a tabloid.
Q. What did you ask them to do in this letter?
A. I'll quote the last paragraph. "Unless the Globe and American Media can provide valid consents, as described above," that's referring to consent by my clients to be in the Globe, "the Arvizos demand that the Globe and American Media immediately cease and desist from using or in any other way exploiting 4375

photographs of any of my clients.
"My clients further demand the Globe and
American Media cease and desist from any further
mention of them in any publications," close quote.
Q. You asked that they take them out of the
newspaper and not put them back in again, is that
right?
A. That was it. That was -- the concern was to
stop exploiting them, period.
Q. Did not ask for money?
A. No.
MR. ZONEN: No further questions.
MR. MESEREAU: No further questions, Your
Honor.
THE COURT: Thank you. You may step down.
Call your next witness.
MR. SNEDDON: The witness is on his way
down, Your Honor.
THE BAILIFF: He is on his way.
MR. SNEDDON: He's on his way.
MR. MESEREAU: Who is the next witness?
MR. SNEDDON: Jeff Klapakis.
THE COURT: You know, I was thinking that
between the comedians and the lawyers, I kind of
like the comedians better.
(Laughter.)
THE COURT: You don't have to respond.
(Laughter.) 4376

MR. AUCHINCLOSS: Your Honor, while we're waiting, there are a couple of exhibits that have not yet been admitted that I'll ask to be admitted at this time.
THE COURT: All right.
MR. AUCHINCLOSS: The first one is the notebook. Madam Clerk has it. It's Exhibit No. 769. That was the one notebook that counsel had an objection to, but we researched it, and I believe found sufficient foundation was laid for that.
THE COURT: No. 769?
MR. AUCHINCLOSS: Yes. And I can show Madam Clerk the exhibit.
THE COURT: I'm sorry, are you objecting to this exhibit or just remaining --
MR. SANGER: I'll submit it.
THE COURT: All right. It's admitted.
Come forward, please.
You're already under oath. You may be seated.

JEFF KLAPAKIS
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Lieutenant, you previously testified in this 4377

case?
A. Yes, I have.
Q. And you understand you're still under oath?
A. Yes.
Q. All right. And just as a refresher, since it's been a couple of weeks probably since you were back, would you tell the ladies and gentlemen of the jury, you are employed by the sheriff's department in what capacity?
A. I am the lieutenant currently in charge of the North County Investigations Division.
Q. And with regard to this particular case against the defendant in this case, Michael Jackson, what is your particular assignment or role?
A. I am in charge of the overseeing of the entire investigation.
Q. And so Sergeant Robel, then, would work underneath you, correct?
A. That's correct.
Q. And under your direction?
A. Yes.
Q. Now, with regard to -- we're going to talk a little bit about forensics, okay?
A. Okay.
Q. And of the decisions that were made in this case with regard to the processing of certain exhibits.
A. All right. 4378

Q. Now, generally what's the relationship between how items are sent for processing for forensic purposes in the office? Who makes that decision?
A. Well, generally the investigator who seizes an item, say pursuant to a search warrant, will -- once packaging and booking it, will fill out a form for the forensic unit to do a latent comparison, or whatever type of forensic science they want on the evidence.
Q. In this particular case, who made those decisions?
A. I did.
Q. Now, with regard to forensic examinations, are some examinations -- some items done -- forensically examined within the sheriff's department?
A. Yes.
Q. And are some done and sent to outside agencies?
A. Yes.
Q. Can you give the jury just a general idea of what kind would be sent out and what kind would be done inside?
A. Well, certainly an examination of items for latent fingerprints, we have that expertise within the sheriff's department. An examination of an item of evidence for biological fluids we would send out 4379

to the Department of Justice, who has that experience, where we don't.
Q. Now, with regard to this particular case, the Michael Jackson case, People versus Michael Jackson, after -- you were present when the search warrant was executed on November the 18th of 2003, correct?
A. Yes, I was.
Q. And in conjunction with that search warrant, a number of items were taken and brought back to the sheriff's department, correct?
A. Yes.
Q. And shortly after that, some plan was put in effect to basically document or inventory what it was that was taken; is that correct?
A. Yes.
Q. And who did you assign that particular task to?
A. Well, when we seized those items, that was part of the -- I'm not quite sure I understand exactly what point in time you're talking about.
Q. Right after you got back from the search warrant, okay? There were certain items that were placed into bags and certain containers that had items that hadn't been looked at yet, correct?
A. Correct.
Q. And did you assign somebody the responsibility of going through those items and

seeing what there was inside and documenting that through reports?
A. Yes.
Q. And who did you assign that responsibility to?
A. Detective Bonner.
Q. And that particular process, from -- let's say from the day of the search till -- how long did that take?
A. Well, it's -- it's -- it's always been an ongoing process. There's lots of items of evidence.
Q. Well, let me go back. Only as to the stuff taken from Neverland Valley Ranch, not as to any subsequent search warrants.
A. I would say it's taken Detective Bonner probably a couple of months to go over all that material and examine it.
Q. Now, were you involved in developing a -- what might be called a forensic game plan for the processing of the items that were taken from the Neverland Valley Ranch on November 18?
A. Yes, I was part of that.
Q. And what was your role in that plan?
A. As well as providing input and asking questions, I was the ultimate person to make the last decision on what we were going to do.
Q. And with regard to the particular plan, what did you do in your capacity as the person in charge 4381

of making these decisions to help you make those kinds of decisions? Did you do any research? Did you do any checking? Did you have people do things so they could give you advice as to what the decision should be?
A. Yes, I conferred with my forensic unit. We talked about the type of materials that we had, and that we had seized from the ranch.
One of the things we decided to do was to go out and get a similar type of material, adult material magazine, and practice with it. Again, we're talking about different forms of paper. We wanted to make sure that any processes that we did to develop and stabilize latent prints would not be destroyed by a previous process. So, that was one of the things that we went out and did, and practiced with that.
Q. When did you commence that portion of your planning stages on the game plan?
A. Well, the first part of the game plan was to photograph some of the materials. And we started on that process. At that point in time, I stopped the forensic unit, and I asked them to go over the materials with an alternate light source in hopes of developing or finding any biological fluids.
Q. And when specifically do you recall, in terms of from November the 18th of 2003, was it that the alternative light source was used to process the 4382

materials that still remained in the sheriff's department custody?
A. I'd say December or January. December '03 to January '04.
Q. And were you aware of the fact, in your capacity as the lead person in making these forensic decisions, that certain items were taken to the Department of Justice in the month of February?
A. Yes, they were.
Q. Was that under your -- your direction that they be taken there?
A. Yes.
Q. Now, let's go back just a second to the testing protocol. You told the ladies and gentlemen of the jury one of the things that you directed staff to do was to buy various magazines and to experiment with them; is that correct?
A. Yes.
Q. Now, was that particular experimentation or process development directly related to a particular type of forensic examination, or to more than one type that you anticipated?
A. Multiple types.
Q. And what would be the multiple types that you had in mind?
A. Certainly super gluing, and using other types of -- I'm not a forensic scientist, but super gluing those would be one of them. Using a process 4383

called ninhydrin would be another one. Certainly fingerprint powder, to see if that developed any. We wanted to do -- also examine it with the naked eye as -- without any powders or anything on it by using a -- what we refer to as a Scenescope.
Q. So most of the things that you just talked about were the processes directly related to the latent print examination, correct?
A. Yes.
Q. Now, in connection with developing the process that was eventually used to process latent prints or process the magazines that may or may not have developed latent prints, did you consult with any outside agencies in the development of that protocol?
A. Yes.
Q. Who did you consult with?
A. The FBI.
Q. Now, the jury's heard a lot about several organizations, and I want to just digress for just a moment and talk about this a little bit.
The FBI is a federal agency, correct?
A. Correct.
Q. Or as Mr. Mesereau would call them, they're the government?
A. Yes.
Q. Now, where are their labs that deal with the fingerprint and latent examinations? 4384

A. Quantico, Virginia.
Q. Now, we've also heard another branch of government called the Department of Justice, correct?
A. Correct.
Q. And when you use the Department of Justice, what are you talking about?
A. That's a state lab. California state lab.
Q. And with regard to that particular lab, do they have local facilities?
A. Yes. Small, but yes.
Q. Do they provide a full range of forensic assistance at the local lab?
A. No.
Q. Are there certain things that are sent to the local lab, but then have to be sent up to the Department of Justice elsewhere?
A. Yes.
Q. And to your knowledge, does the Department of Justice do latent fingerprint examinations?
A. I don't believe they do those. At least we have never used them for that.
Q. Do they do DNA work?
A. Yes, they do the preliminaries. And then I believe that they send those out to Richmond, I believe.
Q. In a lab in Richmond?
A. Yes. 4385

Q. Now, after the -- you've told the ladies and gentlemen of the jury that certain materials were sent to the Department of Justice locally for a forensic examination in February?
A. That's right.
Q. Those materials, particularly those materials that were contained within the Exhibit 470, which is the briefcase --
A. Okay.
Q. -- that you refer to as 317. You have the briefcase in mind?
A. Yes, I do.
Q. And the materials in it that I'm talking about in mind?
A. Right.
Q. Okay. Now, those particular materials, what happened to them between the time that the -- some of those materials were removed in February, what remained in the briefcase, and the other materials? Where were they, to your knowledge?
A. Well, a lot of the materials were kept at DOJ, and I believe they were locked up in a safe.
Q. Those are the items removed from 317?
A. That's correct.
Q. Or 470, in our case here.
A. Yes.
Q. And the ones that remained in your custody and control, what happened to those? 4386

A. I believe that those were entered into evidence in the grand jury.
Q. And to your knowledge, were those retained by the grand jury?
A. Yes.
Q. Now, at some point, you received the items back from the Department of Justice, the local Department of Justice, that had been sent in February. Do you recall that?
A. Yes.
Q. Do you recall when you got them back?
A. The latter part of July, almost August.
Q. And when you got those materials back, most of those were magazines; is that right?
A. Yes.
Q. And was a decision made at some point after that as to how, and in what priority, certain materials would be processed?
A. Yes, based on the testing protocol that we had done, plus our conferring with the FBI, we developed our own protocol to what would work best in trying to develop and stabilize any latent prints on the magazines. And then that, I believe, was in August '04. In conference with your office, my office, we developed prioritizations of which magazines to do first.
Q. Do you have an estimate of how many magazines were involved here? 4387

A. Hundred-plus.
Q. Have you ever had a situation to do latent examination on 100 magazines in a case?
A. Not every page.
Q. Now, you said that there was a meeting between your department and the District Attorney's Office --
A. Right.
Q. -- with regard to prioritization. What decisions were made with regard to how -- what month was that?
A. August, '04.
Q. And with regard to that, what prioritization was developed for the processing of the magazines in this case that were seized from Neverland Ranch on November the 18th?
A. Prior to -- the priority was placed on Item 317, the magazines from the briefcase.
Q. And thereafter, what was the priority to be?
A. I believe -- and any other magazines found within Mr. Jackson's bedroom. Bedroom, den, room.
Q. Upstairs or downstairs?
A. Yes. Bathroom as well.
Q. Now, did you or anybody under your direction take steps to obtain the release of the magazines and the briefcase that we refer to in this case as 470, and you refer to as 317 from the grand jury?
A. Yes. 4388

Q. And what occurred in that connection?
A. Detective Bonner -- we had to get a court order to get it out of the grand jury. In order to do that process, we -- I believe the Court requested that we replace what we took out with photographs. Detective Bonner -- and I believe the defense had to review that as well, before we can get the court order. I sent Detective Bonner to the Court, who took photographs of the items from the grand jury. And then in October we received a court order and got the magazines out.
Q. Now, you've indicated to the jury that certain materials were returned to your possession and control from the Department of Justice in around July of 2004.
A. Yes.
Q. And you've indicated to the jury that you got some -- you got the other materials from 470 from the grand jury in October of '04?
A. Right.
Q. Had some processing of latent prints begun before you actually got the remaining materials from the grand jury?
A. No. We were doing other phases of the forensics. Photographing, splitting the pages, putting them into separate binders. We were doing a lot of preprocessing before we went into the magazine. 4389

Q. Okay. So it was part of the protocol process for examination, but it wasn't the actual examination process. It was the prep process?
A. Yes.
Q. But you had begun that process before you got the materials back from the grand jury?
A. I believe we had started that process in January, with some items that neither went to DOJ or neither went to the grand jury. So....
Q. So it was just an ongoing situation?
A. Yes.
Q. Now, just to give the ladies and gentlemen of the jury some idea, you're a head -- your title is what?
A. Lieutenant.
Q. And you're in charge of what?
A. Criminal Investigations Division.
Q. Now, during the time from, let's say, January of 2004 till the time of October of 2004, were there other major events that required you to take personnel off this case to become involved in major investigations?
A. Especially my forensics personnel, yes.
Q. And what was that?
A. We -- in July, we had a homicide. In September -- and this is '04. September '04, we had had an officer-involved shooting that resulted in a justifiable homicide. And in October '04, we had 4390

a -- another homicide.
Q. Now, with regard to the process of beginning the examination of the magazines that you've already described, the prep, and you've already indicated when the actual latent comparison process began, did you learn at some point that there was a deadline set for the completion of the project?
A. Yes.
Q. And do you recall when it was you learned that there was a deadline set?
A. Yes.
Q. When was that?
A. When we discussed the magazines, I believe in October, '04. But that wasn't the date. I was given December 12th, I believe.
Q. So you basically had ten weeks to complete the process?
A. Yes.
Q. When you found that out, did you have to bring extra personnel in to help process all these?
A. Yes, I did.
Q. Now, the FBI has a lab in Quantico that you've said does do latent print examinations, correct?
A. It's quite a big lab, yeah.
Q. And was any discussion had with regard to sending some or all of these materials to FBI?
A. We talked about it. 4391

Q. And was there a reason why it wasn't done?
A. Yes. I felt that we had already begun some processes with some of the materials. And by sending -- piecemealing out things to do, I would lose control over the evidence. And I -- I wanted to have accountability over this evidence. So I had the utmost confidence in my staff, given the time constraints, and -- to handle the job. And so I chose to keep it in-house.
Q. In your experience over the years that you've dealt with the FBI in fingerprints, does it take them a while -- did they have to prioritize your request with other requests from other agencies?
A. Yes, they did.
Q. And you indicated that you didn't think that the Department of Justice, the State Department of Justice, did latent examinations at this point in time?
A. I'm sure they will do them for smaller agencies. But again, it's a prioritization process, and we have -- we're a mid level agency, and we're fully capable of doing that kind of work.
MR. SNEDDON: Thank you. I have no further questions.
CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon. 4392

A. Good afternoon.
Q. Approximately 69 personnel did a search on Neverland Ranch, correct?
A. Approximately 69 persons were involved in the operation, yes.
Q. And how many were sheriffs, if you know?
A. I would say 90 percent.
Q. Have you ever done a search with that many sheriffs before?
A. I was involved in a peripheral investigation with the City of Guadalupe where we basically took over the town, so, yes, I'd have to say.
Q. Your typical homicide investigation in Santa Barbara County, you don't use 69 sheriffs for a search, do you, of a home?
A. No.
Q. And your typical homicide investigation in Santa Barbara County, you don't even come close to using that number in a search of a home, right?
A. That's correct.
Q. It was done here because Mr. Jackson is a celebrity, correct?
A. That's not why it was done.
Q. The fact that Mr. Jackson is known as a megastar around the world has nothing to do with taking 69 people to search his home?
A. There were a lot of other operations going on in regards to the search that required additional 4393

personnel.
Q. Were you in charge of the search?
A. Yes, sir, I was.
Q. And isn't it true that your office contacted the media before the search?
A. That is not correct.
Q. Do you remember an operations plan you put together to have people read before the search?
A. Yes.
Q. Did it talk about media observing the search?
A. One of the personnel that we had there was a public information officer; that the sole purpose of having him there was, once we conducted the search, we thought the word might get out.
Q. Before you conducted the search, did you make plans for any type of press conference?
A. I -- I believe the sheriff's department was involved in that process, yes. I didn't. Your question was did I.
Q. Let me rephrase it.
A. Okay.
Q. Before approximately 69 people searched Mr. Jackson's home and surrounding location --
A. Uh-huh.
Q. -- plans were already in effect by the Santa Barbara Sheriff's Department to conduct a press conference, right? 4394

A. I believe that they planned that.
Q. Did that have anything to do with the fact that Mr. Jackson is a megastar?
A. I believe that we do that for all newsworthy stories that we become involved in.
Q. You haven't answered my question. Let me rephrase it.
A. The answer is no, then.
Q. So the planning of a press conference by the sheriff's department before the search of Mr. Jackson's home and the plans specifically directed at a press conference had nothing to do with the fact that Mr. Jackson is perceived as a megastar, correct?
A. You know, I -- maybe it was. I'm not -- I'm not sure I can answer that. I mean, it was involved with who it was and the case, the type of case that we were investigating. It's a newsworthy item.
Q. Did the fact that Mr. Jackson is perceived as a well-known celebrity internationally have anything to do with the number of people involved in the search?
MR. SNEDDON: Objection as asked and answered, Your Honor.
THE COURT: Sustained. Sustained.
Q. BY MR. MESEREAU: Who planned the press conference prior to the search?
A. Well, I'd have to say Sergeant Chris Pappas 4395

was involved in that, but I'm not -- I'm not sure.
I was involved in a different aspect of it. I think
that they were talking about the potential of the
media getting involved in this and so they wanted to
have a plan in place.
Q. How fast after the search began was there
any press conference?
A. Mr. Mesereau, I couldn't tell you that. I
was so engrossed in the events on the ranch that I
wasn't paying attention to what was going on
outside.
Q. Do you recall your participating in any
press conference related to the search of Mr.
Jackson's home?
A. No, I don't believe I was.
Q. Was anyone from your office involved in that
press conference, to your knowledge?
A. There was a press conference with -- with,
I believe, the public information officer outside of
our office.
Q. Before you conducted your search, press
releases had already been printed regarding the
search, true?
MR. SNEDDON: Your Honor, I'm going to
object. No foundation.
THE COURT: Foundation is sustained.
Q. BY MR. MESEREAU: Do you know whether or
not, before you conducted the search of Mr.

Jackson's home with approximately 69 personnel, any press releases had already been prepared regarding the search?
A. No, I do not know that.
Q. Did you ever see such a press release at any time that you've been involved in this case?
A. It's possible I have. I can't tell you when. Certainly -- I don't believe I saw one prior to the service of the search warrant.
Q. Were the people who searched Mr. Jackson's residence instructed in advance how to handle the media?
MR. SNEDDON: Your Honor, I'm going to object to this as immaterial, irrelevant, and beyond the scope of the direct examination.
THE COURT: Did you go into the search on direct?
MR. SNEDDON: I just asked him if he was there. I didn't go into any of the details of it. Just to lay the foundation for what he did to process the stuff forensically.
MR. MESEREAU: He did go into the search, Your Honor. Not the media issue, but he did go into the search.
THE COURT: All right. I'll allow the question.
Do you want it reread?
THE WITNESS: Please. 4397

(Record read.)
THE WITNESS: Yes.
Q. BY MR. MESEREAU: Who did the instructing, if you know?
A. Probably myself, Sergeant Koopmans, possibly Sergeant Robel.
Q. Did you say probably yourself?
A. Probably my -- we had an operations briefing where several persons involved in different aspects of the operation gave briefings on their aspect.
Q. Did you engage in any such briefing?
A. Yes, I did.
Q. When was that?
A. The morning of the search.
Q. When you arrived at Neverland to commence the search, did you see any representatives of the media present?
A. I saw a car on the side of the road. There wasn't an insignia on it.
Q. Did you see any helicopters flying above?
A. No.
Q. At some point did you see them?
A. At some point there were several helicopters there.
Q. Do you have any idea who notified them about the search?
A. I have no idea.
Q. No clue at all, right? 4398

A. I have none.
Q. Do you have any knowledge that anyone in the sheriff's department notified the media about the search of Mr. Jackson's home?
A. I have no knowledge of that.
Q. Okay. Regarding forensic work at Mr. Jackson's home, did you put into place any safeguards to avoid contamination of evidence?
A. All of our personnel are trained, so that is a safeguard in and of itself. We proceeded as cautiously as we could through this large estate. We put people in charge who had more experience than the others who directed them. And from that standpoint, I believe our investigators who were doing the actual searching were wearing gloves.
Q. Is there any other safeguard that you recall putting into place before the search regarding possible contamination?
A. None -- it escapes me at this point.
Q. Do you know what people were wearing on their shoes before they walked through his home?
A. I don't believe they were wearing anything other than the shoes.
Q. What kind of shoes were they wearing?
A. I -- I couldn't tell you.
Q. Were you in Mr. Jackson's home during the day of the search?
A. Yes, I was. 4399

Q. How many people were in Mr. Jackson's home on the day of the search that were part of your operation?
A. Inside his main house?
Q. Yes.
A. I would say inside his main house, we had - it changed - anywhere from 15 to 25 at any one particular time.
Q. How many people in total out of the 69 that were involved in the search of Mr. Jackson's residence entered his house that day, if you know?
A. Again, the main house?
Q. Yes, please.
A. Well, we kept a log of people that were entering in the house. I myself entered and exited several times. So I cannot give you an adequate answer to that question.
Q. It was more than 25, was it not?
A. That were conducting the search in the main house?
Q. That went into his house at any time during the day.
A. I'd have to say yes.
Q. Was it more than 45, to your knowledge?
A. I'd say that possibly could be correct. We were conducting interviews in the house, so, yes.
And you're talking just our personnel or perhaps ranch employees as well? 4400

Q. No, your personnel.
A. Then I'd say you're probably -- somewhere around that.
Q. Close to 45?
A. I'm assuming, yes.
Q. You have never been in an investigation where 45 people were allowed to walk into someone's home, correct?
A. In a home, no.
Q. This was the first time, correct?
A. It's the first time I've been involved in something, or an estate this size, that we had that many people.
Q. Did the fact that Mr. Jackson is a well-known celebrity have anything to do with the number of people you allowed into his home on that day?
A. No.
Q. In your typical homicide investigation, 45 people don't enter a residence, correct?
A. No, they do not.
Q. What were the hours you conducted that search during the first day?
A. I believe eight or nine o'clock in the morning till 11:30 at night.
Q. You then conducted a second search of Mr. Jackson's home, correct?
A. In, I believe, November '04. 4401

Q. And what were the hours that you kept in that search?
A. I believe we entered about nine o'clock in the morning and left in the afternoon time.
Q. That search was actually in December, wasn't it? December 4th sound right?
A. It could. It's possible, yes.
Q. Now, both of those searches were done by surprise, correct?
A. Yes.
Q. Special efforts were taken to make sure that Mr. Jackson or his family did not know the search was going to be conducted, right?
A. We didn't publicize it.
Q. But special efforts were taken to make sure Mr. Jackson and his family didn't know about either of these searches in advance, correct?
A. No more special than we do in any other search warrant. So I don't -- if you're -- I didn't do anything different.
Q. Let me ask the question again.
A. Okay.
Q. I don't think I've gotten an answer, but --
MR. SNEDDON: Your Honor, I'm going to object to counsel's comments, and it's argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were you in charge of the 4402

second search on or about December 4th, 2004?
A. Yes.
Q. Would you agree that within minutes of the search of Mr. Jackson's residence on December 4th, 2004, the press knew about it?
A. I wouldn't say minutes. I'd say that the press eventually found out.
Q. They seemed to know very quickly, correct?
A. Within an hour.
Q. Do you have any idea who notified them?
A. I have suspicions.
Q. Do you think somebody in the sheriff's department notified them?
A. No.
Q. Was a press release prepared regarding that search?
A. I don't believe so, but I'm not sure on that.
Q. Have you ever seen a press release regarding that search?
A. I have not personally seen it, no.
Q. So are you telling the jury that there were efforts made in advance to deal with the media before the first search but not before the second search?
A. What I'm telling you is that my job was not involved in that aspect of it. That was turned over to our public information officer. My 4403

responsibility was the service of the search at Neverland, and that's where my operation stayed.
Q. As the one in charge of both search teams, did you have any involvement with your public information office?
A. Just notifying, notifying them that we would be conducting a search on that day, and at Neverland Valley Ranch.
Q. Were you ever asked to review in advance any information designed to be published by your public information office about either search?
A. I do not recall -- again, I do not recall reading a press release, as you call it, prior to the service of any search warrant at Neverland.
Q. What safeguards were taken to preserve evidence that you seized from Neverland on November 18th, 2003?
MR. SNEDDON: Object as asked and answered.
MR. MESEREAU: I asked about contamination, Your Honor. I think my question is broader. But I could rephrase if the Court wants.
THE COURT: All right. Rephrase.
Q. BY MR. MESEREAU: With the exception of issues of contamination, what safeguards were taken to preserve evidence seized at Neverland on November 18th, 2003?
A. Well, initially, we videotaped our entry into the residence. We also videotaped and used 4404

still photography. We also did that at the
conclusion of our search. The people that entered
into the residence were logged in, and logged out.
Those people entering the residence that were going
to conduct searches were wearing gloves on their
hands.
Q. Anything else you can think of?
A. No.
Q. Were there any safeguards you put into place
to try and preserve any DNA evidence that might
exist?
A. I -- the only -- other than collecting the
materials, the adult material, the magazines and the
bedding from Mr. Jackson's bedroom, my only
involvement was directing my forensic unit -- was
assisting to get the search warrant for that
material and directing them what we were to take.
They handled the operation themselves.
Q. Did you say you were in charge of obtaining
evidence from Mr. Jackson's bedroom for possible DNA
testing?
A. I was aware that there was bedding material
and a bed in his bedroom that was not part of the
original search warrant. I then --
Q. Was that material obtained for DNA testing?
A. I believe that it was.
Q. When, if you know?
A. I do not know the exact date. It was 4405

submitted to the DOJ lab, I believe.
Q. Was it obtained in the search on November 18th, to your knowledge?
A. The bedding?
Q. Yes.
A. Yes. There was other materials too, I believe, that were submitted.
Q. And when was this material submitted to DNA testing?
A. Again, I can't give you the exact date. Sometime early part of 2004.
Q. You never even asked for Mr. Jackson's DNA until December 4th, 2004, correct?
A. That's correct.
Q. That was over one year after the initial search, correct?
A. Yes.
Q. To your knowledge, did the FBI do any DNA testing in this case?
A. To my knowledge, no.
Q. Did you direct the FBI to do any particular kinds of forensic analysis in the case?
A. Yes, I did.
Q. And what were those types of forensic analysis?
A. They assisted us with some of the computers that we had found, particularly the Macs.
Q. Anything else you asked them to do? 4406

A. I believe I asked them to do some background information on some of the other people involved in this investigation.
Q. How much time did the State Department of Justice spend on forensics testing in this case, if you know?
A. I do not know that.
Q. You made some statements that the FBI assisted you, right?
A. Yes.
Q. What does "assistance" mean?
A. Well, they provided me some information, again, on backgrounds of persons that became involved in this case. They sent out -- I believe that they call it a cart unit. That is their forensic computer examination team that assisted us in forensically examining these Mac computers that we were not able to do ourselves.
THE COURT: Counsel, I'd like to stop a couple minutes early, because I've been asked to. The attorneys need to talk to me. Right?
MR. MESEREAU: Yes, Your Honor.
THE COURT: All right. We're going to stop. (To the jury) Tomorrow, don't come here.
(Laughter.)
THE COURT: (To the jury) I'll see you Friday morning, 8:30. 4407

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right, Counsel. I was just giving Mr. Oxman some medical advice.

MR. SNEDDON: I thought you were giving him his thousand dollars back.

MR. MESEREAU: Your Honor, do we go in your chambers? You want to go to chambers?

MR. SNEDDON: The matter I'm talking about doesn't need to go into chambers.

THE COURT: Did you want to go into chambers?

MR. MESEREAU: If it's the issue we talked about, I'd like to go in chambers.

MR. SNEDDON: Okay, this should be done in open court.

Your Honor, I wanted to tell the Court, because I made some representations to the Court a few days ago, and I notified counsel last night, we have had to juggle the way we're going to put on evidence in this case. And I want the Court to know that we intend to start putting on the 1108 evidence on Monday. Instead of two weeks, like I said originally. And these sort of things are beyond our control.

In any case, that's what we're going to do. 4408

I wanted the Court to know that, because you asked us about the instructions and stuff.
THE COURT: The instructions.
MR. SNEDDON: And I wanted to tell the Court that we had -- we reviewed that and we already submitted our instructions in that regard, and specifically the CALJICs, and that's what we --
THE COURT: Tell me what ones -- I mean, you have submitted --
MR. SNEDDON: I will single them out. I don't -- I just talked --
THE COURT: Friday you could give me the ones you're singling out?
MR. SNEDDON: I will, Your Honor.
THE COURT: And Counsel, you could give me something Friday?
MR. MESEREAU: Yes, Your Honor.
THE COURT: All right.
MR. SNEDDON: That's what I wanted to do. I wanted to make the Court aware of that. Thank you very much.
THE COURT: And you wanted to -- is that it?
MR. SNEDDON: I -- yeah, I guess so. Mr. Mesereau?
THE COURT: All right. Court's in recess.
(The proceedings adjourned at 2:30 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4240 through 4409 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 30, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 30, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304